



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 43]

नई दिल्ली, शनिवार, अक्तूबर 25, 1980/कार्तिक 3, 1902

No. 43]

NEW DELHI, SATURDAY, OCTOBER 25, 1980/KARTIKA 3, 1902

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(इका मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्षेत्र प्रशासनों को छोड़कर)

केन्द्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities (other than the
Administration of Union Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 28 अगस्त, 1980

क्र० आ० 2842.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 18-नीलगिरि संसदीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जे० सेलवरज, 1, शॉपिंग सेंटर, कोयम्बटूर प्रेम कॉलोनी, कोयम्बटूर-19 (तमिलनाडु), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और, यतः, उक्त उम्मीदवार ने, उसे सम्बन्ध सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस अयोग्यता के लिए कोई पर्याप्त कारण या व्याख्यान नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जे० सेलवरज, को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान

परिषद् के सदस्य चुने जाने और छेने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० स० मा०-लो० सं०/18/80/(9)]

ELECTION COMMISSION OF INDIA ORDER

New Delhi, the 28th August, 1980

S.O. 2842.—Whereas the Election Commission is satisfied that Shri J. Selvaraj, 1-Shopping Centre, Coimbatore Press Colony, Coimbatore-19 (Tamil Nadu), a contesting candidate for general election to the House of the People held in January, 1980 from 18-Nilgiris parliamentary constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri J. Selvaraj to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-HP/18/80(9)]

आदेश

नई दिल्ली, 9 सितम्बर, 1980

क्रा० ३।० 2843.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 36-तिरुनेलवेली संसदीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री पी० रामासामी रेड्डीयार पुत्र श्री पेथू रेड्डीयार, पोस्ट किला अरुणाचलापुरम पुडूर (वाया), तालुक विलाथीकुलम (तमिलनाडु), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात्, निर्वाचन आयोग का यह भी समाधान हो गया है कि कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री पी० रामासामी रेड्डीयार, को समय के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० ना०-लो० सं० / 36/80 (10)]

ORDER

New Delhi, the 9th September, 1980

S.O. 2843.—Whereas the Election Commission is satisfied that Shri P. Ramasamy Reddiar, S/o Shri Pethu Reddiar, Kila Arunachalapuram Post, Pudur (Via), Vilathikulam Taluk (Tamil Nadu), a contesting candidate for general election to the House of the People held in January, 1980, from 36. Tirunelveli parliamentary constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri R. Ramasamy Reddiar to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-HP/36/80(10)]

आदेश

क्रा० ३।० 2844.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोकसभा के लिए साधारण निर्वाचन के लिए 32-पुडुक्कोट्टाई संसदीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एम० धान्दायुधपानी ब्राह्मयाम्बलपुरम, पोस्ट कीरानूर, जिला पुडुक्कोट्टाई (तमिलनाडु), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री एम० धान्दायुधपानी, को समय के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० ना०-लो० सं० / 32/80 (11)]

ORDER

S.O. 2844.—Whereas the Election Commission is satisfied that Shri M. Dhandayudhapani, Brahathambaluram, Keeranur Post, District Pudukkottai (Tamil Nadu), a contesting candidate for general election to the House of the People held in January, 1980 from 32-Pudukkottai parliamentary constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri M. Dhandayudhapani to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-HP/32/80(11)]

आदेश

नई दिल्ली 23 सितम्बर, 1980

क्रा० ३।० 2845.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 22-कलकत्ता उत्तर पूर्व निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रितेन्द्र नाथ घोष, 196-पिकनिक गार्डन रोड कलकत्ता-39 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं -

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री रितेन्द्र नाथ घोष को समय के किसी भी सदन के या किसी राज्य का विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० पश्चिम बंगाल-लो० सं०/22/80]

ORDER

New Delhi, the 23rd September, 1980

S.O. 2845.—Whereas the Election Commission is satisfied that Shri Ritendra Nath Ghosh, 196, Picnic Garden Road, Calcutta-39 a contesting candidate for general election to the House of the People Legislative Assembly from 22-Calcutta North East Parliamentary constituency, held in January, 1980, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and

the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ritendra Nath Ghosh, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-HP/22/80/]

आदेश

नई दिल्ली, 29 सितम्बर, 1980

क्र० आ० 2846—यत्., निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 27-हुगली समदीय निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सत्य चरन घोष, हैलापुकुर, धर्मपाड़ा, डाकघर चन्द्रनगर जिला-हुगली, पश्चिम बंगाल लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यत्., उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथया स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सत्य चरन घोष को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथया राज्य विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० पश्चिम बंगाल सो० सं०/27/80]

सतीश चन्द्र जैन, अवर सचिव

ORDER

New Delhi, the 29th September, 1980

S.O. 2846.—Whereas the Election Commission is satisfied that Shri Satya Charan Ghosh, Heiapukur, Dharampora, P.O. Chandernagore, District Hooghly, West Bengal a contesting candidate for general election to the House of the People from 27-Hooghly Parliamentary constituency, held in January, 1980, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Satya Charan Ghosh, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-HP/27/80]

S. C. JAIN, Under Secy.

आदेश

नई दिल्ली, 1 अक्टूबर, 1980

क्र० आ० 2847—यत्., निर्वाचन आयोग का समाधान हो गया है कि मई, 1980 में हुए तमिलनाडु विधान सभा के लिए साधारण

निर्वाचन के लिए 25-उथिरामेरुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री के० अरुमुगा गौंडर, पुत्र श्री कुमारा गौंडर, ओल्ड हॉस्पिटल रोड, उथिरामेरुर, तमिलनाडु, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यत्., उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथया स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः, अक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री के० अरुमुगा गौंडर को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथया विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० त० ना०-वि० सं०/25/80(16)]

वी० के० राव, अवर सचिव

ORDER

New Delhi, the 1st October, 1980

S.O. 2847.—Whereas the Election Commission is satisfied that Shri K. Arumuga Gounder, S/o Kumara Gounder, Old Hospital Road, Uthiramerur (Tamil Nadu), a contesting candidate for general election to the Tamil Nadu Legislative Assembly held in May, 1980 from 25. Uthiramerur constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Arumuga Gounder to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/25/80(16)]

V. K. RAO, Under Secy.

आदेश

नई दिल्ली, 10 सितम्बर, 1980

क्र० आ० 2848—यत्., निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए तमिलनाडु विधान सभा के लिए उप निर्वाचन के लिए 233-विलावकोडे निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री डी० वेमुदासन, भारुकायाला हाऊस, पोस्ट सूरिया-कोड (वाया), कालेकाविवार्ड, जिला कल्याकुमारी, तमिलनाडु, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यत्., उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथया स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री डी० येसुदासन, को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० ना०-वि० सं०/233/80 (उप) 12]

ORDER

New Delhi, the 10th September, 1980

S.O. 2848.—Whereas the Election Commission is satisfied that Shri D. Yesudasan, Marukathala House, Sooriacode P.O. (Via) Kaliakkavilai, Kanniyakumari District, Tamil Nadu, a contesting candidate for Bye-election to the Tamil Nadu Legislative Assembly held in January, 1980 from 233-Vilavancode Constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason of justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri D. Yesudasan to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/233/80(Bye)(12)]

आदेश

का० आ० 2849.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए तमिलनाडु विधान सभा के लिए उप निर्वाचन के लिए 233-विलावन्कोडे निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एम० डी० थोमस, विरुवापुरम, पोस्ट कुजह्रीपुरई, जिला कन्या कुमारी (तमिलनाडु) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विश्वास करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एम० डी० थोमस, को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० ना०-वि० सं०/233/80/उप/13]

ORDER

S.O. 2849.—Whereas the Election Commission is satisfied that Shri M. D. Thomas, Thiruthuvapuram, Kuzhithurai P.O., Kanniyakumari District (Tamil Nadu), a contesting candidate for Bye-election to the Tamil Nadu Legislative Assembly held in January, 1980 from 233-Vilavancode constituency, has failed to lodge an account of his election expenses in the

manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri M. D. Thomas to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/233/80(Bye)(13)]

आदेश

नई दिल्ली, 11 सितम्बर, 1980

का० आ० 2850.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मई, 1980 में हुए तमिलनाडु विधान सभा के लिए साधारण निर्वाचन के लिए 16-पोन्नेरी (अ० जा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री आर० एम० मुनीवेल, लाइट हाउस कुप्पम, पोस्ट पाजावेरकाडू, तालुक पाप्नेरी, तमिलनाडु लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री आर० एम० मुनीवेल का संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० ना०/वि० सं०/16/80 (1)]

ORDER

New Delhi, the 11th September, 1980

S.O. 2850.—Whereas the Election Commission is satisfied that Shri R. S. Munivel, Light House Cuppam, Pazaverkadu Post, Ponneri taluk, Tamil Nadu a contesting candidate for general election to the Tamil Nadu Legislative Assembly held in May, 1980 from 16 Ponneri (SC) constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri R. S. Munivel to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/16/80(1)]

आदेश

का० आ० 2851.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मई, 1980 में हुए तमिलनाडु विधान सभा के लिए साधारण निर्वाचन के लिए 16-पोन्नेरी (अ० जी०) निर्वाचन-क्षेत्र से

चुनाव लड़ने वाले उम्मीदवार श्री जी० वेन्नीवीरान, मशीन कम्पाउन्ड भरानी, तालुक पोन्नरी, तमिलनाडु, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यत, उक्त उम्मीदवार ने, उसे सम्पन्न सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जी० वेन्नीवीरान को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० ना०-वि० सं०/16/80 (2)]

ORDER

S.O. 2851.—Whereas the Election Commission is satisfied that Shri G. Vetriveeran, Machine Compound, Arani, Ponneri Taluk, Tamil Nadu, a contesting candidate for general election to the Tamil Nadu Legislative Assembly held in May, 1980 from 16-Ponneri (SC) Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder,

And, whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for the failure,

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri G. Vetriveeran to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No. TN LA/16/80(2)]

आदेश

क्र० प्र० 2852—यत, निर्वाचन आयोग का समाधान हो गया है कि मई, 1980 में हुए तमिलनाडु विधान सभा के लिए साधारण निर्वाचन के लिए 16-पोन्नरी (अ० जा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री के० सिवालिंगम, 99, कट्टूर कालोनी (वाया) मिन्नूर, पोन्नरी, तमिलनाडु, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यत, उक्त उम्मीदवार ने, उसे सम्पन्न सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री के० सिवालिंगम, को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के

सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० ना०-वि० सं०/16/80 (3)]

ORDER

S.O. 2852.—Whereas the Election Commission is satisfied that Shri K. Sivalingam, 99, Kattur Colony (via) Manpur, Ponneri Tamil Nadu, a contesting candidate for general Election to the Tamil Nadu Legislative Assembly held in May, 1980 from 16 Ponneri (SC) Constituency has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And, whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason of justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Sivalingam to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No. TN-LA/16/80(3)]

आदेश

नई दिल्ली, 16 सितम्बर, 1980

क्र० प्र० 2853—यत, निर्वाचन आयोग का समाधान हो गया है कि मई, 1980 में हुए तमिलनाडु विधान सभा के लिए साधारण निर्वाचन के लिए 26-कान्चिपुरम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री वाजोरवेलु चेतियार, के० एम०, जय लक्ष्मी एल इलाम, जी० एस० टी० रोड, गुडुवानचेरी, तमिलनाडु, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यत, उक्त उम्मीदवार ने, उसे सम्पन्न सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री वाजोरवेलु चेतियार, के० एम० को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० ना०-वि० सं०/26/80(4)]

ORDER

New Delhi, the 16th September, 1980

S.O. 2853.—Whereas the Election Commission is satisfied that Shri Vajiravelu Chattiar K.M., Jayalakshmi Illam, G S T. Road, Guduvancheri, Tamil Nadu, a contesting candidate for general election to the Tamil Nadu Legislative Assembly held in May, 1980 from 26-Kancheepuram Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder,

And, whereas, the said candidate even after due notice has not given any reason or explanation for the failure, and

the Election Commission is satisfied that he has no good reason of justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Vajiravelu Chettiar K.M. to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/26/80(4)]

आदेश

का० प्रा० 2854—यत्, निर्वाचन आयोग का समाधान हो गया है कि मई, 1980 में हुए तमिलनाडु विधान सभा के लिए साधारण निर्वाचन के लिए 26-कान्चिपुरम निर्वाचन-क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्री जे० आनन्दन, 30-आना नगर, गांव व पोस्ट ओरीकई, तालुक कान्चिपुरम, जिला चेंगलपट्टु, तमिलनाडु, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यत्, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जे० आनन्दन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० ना०-वि० सं०/26/80(5)]

ORDER

S.O. 2854.—Whereas the Election Commission is satisfied that Shri J. Anandan, 30, Anna Nagar, Orikkai Village and Post, Kancheepuram Taluk, Chengalpattu District, Tamil Nadu a contesting candidate for general election to the Tamil Nadu Legislative Assembly held in May, 1980 from 26-Kancheepuram Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And, whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason of justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri J. Anandan, to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/26/80(5)]

आदेश

नई दिल्ली, 18 सितम्बर, 1980

का० प्रा० 2855.—यत्, निर्वाचन आयोग का समाधान हो गया है कि मई, 1980 में हुए तमिलनाडु विधान सभा के लिए साधारण निर्वाचन के लिए, 20-टम्बरम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री के० रंगानाथन, 7-कान्दामामी, नैकर स्ट्रीट, कारापक्कम, तमिलनाडु लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यत्, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री के० रंगानाथन, को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० ना०-वि० सं०/20/80(6)]

ORDER

New Delhi, the 18th September, 1980

S.O. 2855.—Whereas the Election Commission is satisfied that Shri K. Ranganathan, 7-Kandasami Naikkar Street, Karapakkam, Tamil Nadu, a contesting candidate for general election to Tamil Nadu Legislative Assembly held in May, 1980 from 20-Timbaram Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And, whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason of justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Ranganathan to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/20/80(6)]

आदेश

का० प्रा० 2856.—यत्, निर्वाचन आयोग का समाधान हो गया है कि मई, 1980 में हुए तमिलनाडु विधान सभा के लिए साधारण निर्वाचन के लिए 21-तिरुप्पोकर (अ० जा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री धनापाल, वी०, 21-नीलाम्बाक्कम गांव व पोस्ट (वाया) वडालूर, मद्रास-48, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यत्, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री धनापाल, वी० को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० ना०-वि० सं०/21/80(7)]

ORDER

S.O. 2856.—Whereas the Election Commission is satisfied that Shri Dhanapal, V., 21, Nillambakkam Village and Post (via) Vandalur, Madras-48, a contesting candidate for general elec-

tion to the Tamil Nadu Legislative Assembly held in May, 1980 from 21-Thirupporur (SC) constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder,

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

No, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dhanapal V to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No. TN LA/21/80(7)]

आदेश

का० प्रा० 2857.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी 1980 में हुए कर्नाटक लोक सभा के लिए साधारण निर्वाचन के लिए 11-कनकपुरा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जी० के० सिद्दीय्या, स० 2-रामे ह्येनगर, स्ट्रीट, विस्वरापुरम बंगलोर-56004 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यत्, निर्वाचनों का सञ्चालन नियम 1961 के नियम 89(5) के अधीन उक्त सूचना उन्हें जारी नहीं की जा सकी क्योंकि उनके अपने पते के बारे में कुछ मालूम नहीं था और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब उक्त अधिनियम की धारा-10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जी० के० सिद्दीय्या को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० कर्ना०-लो० स०/11/80 (6)]

ORDER

S.O. 2857 —Whereas the Election Commission is satisfied that Shri G K Siddiah, No 2, Rame Iyengar Street, Viswewarapuram, Bangalore-56004 a contesting candidate for general election to the House of the People from Karnataka held in January, 1980 from 11-Kanakapura constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said notice issued to the said candidate under rule 89(5) of the Conduct of Election Rules, 1961 could not be served on him as his whereabouts are not known and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri G K Siddiah to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No. KT-HP/11/80(6)]

आदेश

नई दिल्ली, 20 सितम्बर, 1980

का० प्रा० 2858 —यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए कर्नाटक लोक सभा के लिए साधारण निर्वाचन के लिए 24-धारवाड उत्तरी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कोरलाहल्ली सोमाशेखर फाकीराया, पगादिगल्ली, हुबली, कर्नाटक, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यत्, उक्त उम्मीदवार ने, उसे सम्पर्क सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कोरलाहल्ली सोमाशेखर फाकीराया को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० कर्ना०-लो० स०/24/80(7)]

ORDER

New Delhi, the 20th September, 1980

S.O. 2858 —Whereas the Election Commission is satisfied that Shri Korlahalli Somashekhar Fakkirappa, Pagadigalli, Hubli, Karnataka, a contesting candidate for general election to the House of the People from Karnataka held in January, 1980 from 24 Dharwad North constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rule made thereunder,

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Korlahalli Somashekhar Fakkirappa to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No KT-HP/24/80(7)]

आदेश

का० प्रा० 2859 —यत्, निर्वाचन आयोग का समाधान हो गया है कि मई, 1980 में हुए तमिलनाडु विधान सभा के लिए साधारण निर्वाचन के लिए 64-पनरुति निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कु० पिन्नायुरई, भतराकोट्टई कालोनी, (वाया) चेन्नाय्यानाईकेनापलायम पनरुति तालुक (तमिलनाडु) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यत्, उक्त उम्मीदवार ने, उसे सम्पर्क सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कुं. चिन्नादुरई को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. तं.नां-वि.सं/64/80(8)]

ORDER

S.O. 2859.—Whereas the Election Commission is satisfied that Shri Ku Chinnadurai, Bathrakottai Colony (via) Chennappa-naickenpalayam, Panruti Taluk, (Tamil Nadu), a contesting candidate for general election to the Tamil Nadu Legislative Assembly held in May, 1980 from 64-Panruti constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason of justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ku. Chinnadurai to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[TN-LA/64/80(8)]

अवधेय

क्र० प्र० 2860.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मई, 1980 में हुए तमिलनाडु विधान सभा के लिए साधारण निर्वाचन के लिए 54-गिंगी सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एम० मुथम्मयन गौडर पुत्र श्री मुथेन गौडर, भाव कर्नाली पट्टु, पोस्ट दावावनूर, ता० गिंगी (तमिलनाडु), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा वांछित करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग अब यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एम० मुथम्मयन गौडर, को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. तं.नां-वि.सं/54/80(9)]

ORDER

S.O. 2860.—Whereas the Election Commission is satisfied that Shri M. Subramaniyan Gounder, S/o Shri Muthian Gounder, Kallalipattu Village, Dalavanur Post, Gingee Taluk (Tamil Nadu), a contesting candidate for general election to the Tamil Nadu Legislative Assembly held in May, 1980 from 54-Gingee constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

No, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri M. Subramaniyan Gounder to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/54/80(9)]

अदेश

नई दिल्ली, 24 सितम्बर, 1980

क्र० प्र० 2861.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 41-खेड निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री चिन्तामन भिमराव डोलस, 855, भवानी पेट, पुना-2 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा वांछित करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री चिन्तामन भिमराव डोलस को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. महा०-ली०सं/41/80(23)]

ORDER

New Delhi, the 24th September, 1980

S.O. 2861.—Whereas the Election Commission is satisfied that Shri Chintaman Bhimrao Dolas, 855 Bhawani Peth, Pune-2 (Maharashtra), a contesting candidate for general election to the House of the People held in January, 1980 from 41-Khed constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chintaman Bhimrao Dolas to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/41/80(23)]

अदेश

क्र० प्र० 2862.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 41-खेड निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राम मल्हानी, 12/35, नवजीवन मोसायटी, लैमिंगन रोड, बम्बई-8 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा वांछित करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया

है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकत्व नहीं है।

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राम जगतिनी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म०प्र०-लो०स०/41/80(24)]

ORDER

S.O. 2862.—Whereas the Election Commission is satisfied that Ram Jagtiani, 12/35 Navjivan Society, Lamington Road, Bombay-8, (Maharashtra), a contesting candidate for general election to the House of the People held in January, 1980 from 41-Khed constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Jagtiani to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/41/80(24)]

आदेश

नई दिल्ली, 25 सितम्बर, 1980

क्र० प्र० 2863.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 37-इन्दौर निर्वाचन-क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्री ऋषिकुमार शुक्ल, 7/2-ग, मोती तबेला, मेन रोड-2, इन्दौर (मध्य प्रदेश), अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा लोक प्रतिनिधित्व अधेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकत्व नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री ऋषिकुमार शुक्ल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म०प्र०-लो०स०/37/80(12)]

ORDER

New Delhi, the 25th September, 1980

S.O. 2863.—Whereas the Election Commission is satisfied that Shri Rishi Kumar Shukla, 7/2-A, Moti Totitabela, Main Road-2 Indore, (Madhya Pradesh), a contesting candidate for general election to the House of the People held in January, 1980 from 37-Indore constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and

the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rishi Kumar Shukla to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/37/80(12)]

आदेश

क्र० प्र० 2864.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 37-इन्दौर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री दत्तात्रेय रामचन्द्र कमलाकर, 46, सुतार गली (जेल रोड) इन्दौर (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अधेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकत्व नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री दत्तात्रेय रामचन्द्र कमलाकर को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म०प्र०-लो०स०/37/80(13)]

ORDER

S.O. 2864.—Whereas the Election Commission is satisfied that Shri Dattatray Ramachandra Kamalakar, 46-Sutar Gali (Jail Road) Indore, Madhya Pradesh), a contesting candidate for general election to the House of the People held in January, 1980 from 37-Indore constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dattatray Ramchandra Kamalakar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/37/80(13)]

आदेश

क्र० प्र० 2865.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 37-इन्दौर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मेठ-राम सोनानी शिवपुत्र, 94/17, नंवलान पुरा, इन्दौर (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अधेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है

और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मेठाराम तोलानी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म० प्र०-लो० सं०/37/80(14)]

ORDER

S.O. 2865.—Whereas the Election Commission is satisfied that Shri Matharam Tolani Shivputra, 94/17, Nandlalpura, Indore, (Madhya Pradesh) a contesting candidate for general election to the House of the People held in January, 1980 from 37-Indore constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Matharam Tolani Shivputra to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/37/80(14)]

आदेश

क्र० प्रा० 2866.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 9-रेवा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हीरा सिंह, शास्त्रीनगर, अमाहिया, रेवा (मध्य प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और अतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हीरा सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि लिए निरहित घोषित करता है ।

[सं० म० प्र०-लो० सं०/9/80(15)]

ORDER

S.O. 2866.—Whereas the Election Commission is satisfied that Shri Hira Singh, Shastri Nagar, Amahiya, Rewa, (Madhya Pradesh), a contesting candidate for general election to the House of the People held in January, 1980 from 9-Rewa constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and

the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hira Singh, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/9/80(15)]

आदेश

क्र० प्रा० 2867.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के 42-पूना निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एम० डी० शेवाले, 896 नाना पेट, पूना-2 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ।

अतः, अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एम० डी० शेवाले को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म० प्र०-लो० सं०/42/80(25)]

ORDER

S.O. 2867.—Whereas the Election Commission is satisfied that Shri M. D. Shewale, 896 Nana Peth, Pune-2 (Maharashtra), a contesting candidate for general election to the House of the People held in January, 1980 from 42-Pune Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules, made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri M. D. Shewale to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/42/80(25)]

आदेश

क्र० प्रा० 2868.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 2-रत्नागिरी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार कैप्टन प्रकाश बिठ्ठल कदम, मु० पो० अडरे, ला० जिरपूण लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ।

अतः, अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त कैप्टन प्रकाश बिठ्ठल को संसद के किसी भी

सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० महा०-लो० सं०/2/80(27)]

ORDER

S.O. 2860.—Whereas the Election Commission is satisfied that Capt. Prakash Vithal Kadam, At & PO Adare, Tehsil Chiplun, District Ratnagiri, a contesting candidate for general election to the House of the People held in January, 1980 from 2-Ratnagiri Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Capt. Prakash Vital Kadam to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/2/80(27)]

आदेश

क्रा० शा० 2869.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 2-रत्नागिरी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भुवङ्ग कृष्णा घोडिबा, सर्वान, 109, परवती जनता, बसाहट पूना-9 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घोचन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायचित्य नहीं है।

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भुवङ्ग कृष्ण घोडिबा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० महा०-लो० सं०/2/80(26)]

ORDER

S.O. 2869.—Whereas the Election Commission is satisfied that Shri Bhuvad Krishna Dhondiba, Sarwan, 109, Parvati Janata, Vasahat, Pune-9, a contesting candidate for general election to the House of the People held in January, 1980 from 2-Ratnagiri Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason of justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhuvad Krishna Dhondiba to be disqualified for being chosen as, and for being a member of either House of Parliament or

of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/2/80(26)]

आदेश

नई दिल्ली, 26 सितम्बर, 1980

क्रा० शा० 2870.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 25-जबलपुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री चमन लाल सोनकर, 427/4, भरतीपुर, जबलपुर, (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घोचन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण न्यायचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री चमन लाल सोनकर को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म० प्र०-लो० सं०/25/80(16)]

ORDER

New Delhi, the 26th September, 1980

S.O. 2870.—Whereas the Election Commission is satisfied that Shri Chaman Lal Sonkar, 427/4, Bhartipur, Jabalpur (Madhya Pradesh), a contesting candidate for general election to the House of the People held in January, 1980 from 25-Jabalpur constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chaman Lal Sonkar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/25/80(16)]

आदेश

क्रा० शा० 2871.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 25-जबलपुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मंगल सिंह, गुणेश्वर मन्दिर के पास, मदन महल, जबलपुर (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घोचन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है

और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मंगल सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म० प्र०-लो०स०/25/80(17)]

ORDER

S.O. 2871.—Whereas the Election Commission is satisfied that Shri Mangal Singh, Near Gupteshwar Mandir, Madan Mahal, Jabalpur, (Madhya Pradesh), a contesting candidate for general election to the House of the People held in January, 1980 from 25-Jabalpur constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mangal Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/25/80(17)]

आदेश

नई दिल्ली, 29 सितम्बर, 1980

का० प्रा० 2872.—यतः निर्वाचन आयोग का समाधान हो गया है कि जनवरी 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 10-थाना निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री यु० उमर, जी० 56, सेक्टर 7 वाशी, नया बम्बई लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री यु० उमर को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० महा०-लो०स०/10/80(28)]

ORDER

New Delhi, the 29th September, 1980

S.O. 2872.—Whereas the Election Commission is satisfied that Shri U. Ummar, G-56, Sector-7, Washi, New Bombay

(Maharashtra), a contesting candidate for general election to the House of the People held in January 1980 from 10-Thane Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri U. Ummar to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/10/80(28)]

आदेश

का० प्रा० 2873.—यतः निर्वाचन आयोग का समाधान हो गया है कि जनवरी 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 40-कोपरगांव निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री पवार सिताराम मोतीराम, मकान नं० 1106, वार्ड नं० 4, ओझर (मिग) तालुका निफाड, जि० नासिक लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का भी लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार ने उसे सम्यक् सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई भी पर्याप्त कारण या न्यायोचित्य नहीं है।

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री पवार सिताराम मोतीराम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० महा०-लो०स०/40/80(29)]

ORDER

S.O. 2873.—Whereas the Election Commission is satisfied that Shri Pawar Sitaram Motiram, H. No. 1106, Ward No. 4, Ozar (Mig), Taluka Niphad, District Nasik, (Maharashtra), a contesting candidate for general election to the House of the People held in January, 1980 from 40-Kopergaon Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Pawar Sitaram Motiram to be disqualified for being chosen as, and for being a member of either House or Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No. MT-HP/40/80(29)]

आदेश

नई दिल्ली, 3 अक्टूबर, 1980

का० प्रा० 2874.—यसः निर्वाचन आयोग का समाधान हो गया है कि जनवरी 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 38-उज्जैन निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री देवीलाल मालवीय, निवासी ग्राम मण्डला तहसील-तराणा, जिला-उज्जैन, (मध्य प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार ने समयक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण यथथा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण न्यायोचित्य नहीं है,

अतः अब उक्त अधिनियम की धारा 10A के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री देवी लाल मालवीय को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इन आदेश की तारीख से तीन वर्ष की कालावधि लिए निर्हित घोषित करता है।

[सं० म० प्र०-लो०स०/38/80(18)]

सी० एल० रोज, अवसर सचिव

ORDER

New Delhi, the 3rd October, 1980

S.O. 2874.—Whereas the Election Commission is satisfied that Shri Devilal Malviya, Village Mundla, Tehsil Tarana, District-Ujjain, (Madhya Pradesh), a contesting candidate for general election to the House of the People held in January, 1980 from 38-Ujjain constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Devilal Malviya to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/38/80(18)]

C. L. ROSE, Under Secy.

विधि, न्याय और कम्पनी कार्य मंत्रालय

(कम्पनी कार्य विभाग)

नई दिल्ली, 16 अक्टूबर, 1980

का० प्रा० 2875.—केन्द्रीय सरकार, चार्टर्ड अकाउंटेंट अधिनियम, 1949 (1949 का 38) की धारा 9 की उपधारा (2) के खण्ड (क) के अनुसरण में, भारत सरकार के विधि, न्याय और कम्पनी कार्य मंत्रालय (कम्पनी कार्य विभाग) की अधिसूचना सं० का० प्रा० 1682 जो कि भारत के राजपत्र के भाग 2, खण्ड 3, उपखण्ड (2) में तारीख 16 जून, 1980 को प्रकाशित हुई थी, का निम्नलिखित संशोधन करता है, अर्थात् :—

उक्त अधिसूचना में, मद संख्याक 3 के सामने, "पूर्वी क्षेत्र" शीर्षक के नीचे की प्रविष्टियों के स्थान पर, निम्नलिखित प्रविष्टियाँ रखी जाएँगी, अर्थात् :—

"असम, मेघालय, नागालैण्ड, उड़ीसा, पश्चिमी बंगाल, मणिपुर, त्रिपुरा और मिज़ोरम राज्य और अरुणाचल प्रदेश, मिज़ोरम और अंदमान और निकोबार द्वीप समूह राज्य क्षेत्र।"

[फा० सं० 2/9/80-सी० एल०-5]

के० एन० रामचन्द्रन, उप सचिव

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Company Affairs)

New Delhi, the 16th October, 1980

S.O. 2875.—In pursuance of clause (a) of sub-section (2) of section 9 of the Chartered Accountants Act, 1949 (38 of 1949), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) No. S. O. 1682, published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 16th June, 1973, namely :—

In the said notification, against item number 3, for the entries below the heading "Eastern Region", the following entries shall be substituted, namely :—

"The States of Assam, Meghalaya, Nagaland, Orissa, West Bengal, Manipur, Tripura and Sikkim and the Union territories of Arunachal Pradesh, Mizoram and Andaman and Nicobar Islands."

[File No. 2/9/80-C. L. V.]

K. N. RAMCHANDRAN, Dy. Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

नई दिल्ली, 21 अक्टूबर, 1980

अधिसूचना

का० प्रा० 2876.—केन्द्रीय सरकार, सिकका—निर्माण अधिनियम, 1906 (1906 का 3) की धारा 7 के साथ पठित धारा 21 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ :—(3) इन नियमों का संक्षिप्त नाम सिकका-निर्माण "ग्रामीण महिलाओं की प्रगति" के लिए राले गए सौ बगए और दस रुपये तथा पच्ची पैसे और दस पैसे के सिक्कों का बज्रन और उपाचार) नियम, 1980 है।

(2) ये 31 अक्टूबर, 1980 को प्रवृत्त होंगे।

2. ग्रामीण महिलाओं की प्रगति के लिए बाले गए सिक्कों के लिए अनुज्ञात मानक वजन और उपचार :—मिस्का निर्माण अधिनियम, 1906 (1906 का 3) की धारा 6 के उपबन्धों के अधीन बाले गए निम्नलिखित सिक्कों का मानक वजन, और उनके बनाने में अनुज्ञात उपचार यह होगा जो नीचे की सारणी में विनिर्दिष्ट हैं :—

मूल्य वर्ग	वजन	सारणी	
		संरचना में	अनुज्ञात उपचार
(1)	(2)	(3)	वजन में
100 रुपए	35 ग्राम	चांदी के लिए 2/1000 वां अंश धन या चांदी की मात्रा 498 से 502 प्रतिशत तक हो सकती है।	1/100 वां अंश धन या ऋण, अर्थात्, भार 34.650 ग्राम से 35.350 ग्राम तक हो सकता है।
10 रुपए	25 ग्राम	तांबा और निकिल दोनों के लिए 1/100वां अंश धन या ऋण, अर्थात्, तांबा 74 प्रतिशत से 76 प्रतिशत तक और निकिल 24 प्रतिशत से 26 प्रतिशत तक हो सकती है।	1/40 वां अंश धन या ऋण, अर्थात्, भार 24.375 ग्राम से 25.625 ग्राम तक हो सकता है।
25 पैसे	2.5 ग्राम	तांबा और निकिल दोनों के लिए 1/100वां अंश धन या ऋण, अर्थात्, तांबा 74 प्रतिशत से 76 प्रतिशत तक और निकिल 24 प्रतिशत से 26 प्रतिशत तक हो सकती है।	1/40वां अंश धन या ऋण
10 पैसे	2.3 ग्राम	मैग्नीशियम 3.5 से 4 प्रतिशत तक, शेष भाग ऐलुमिनियम।	1/40वां अंश धन या ऋण

[सं० एक० 1/21/80-मिस्का]

MINISTRY OF FINANCE
(Department of Economic Affairs)
New Delhi, the 21st October, 1980

S.O.2876.—In exercise of the powers conferred by sub-section (1) of section 21, read with section 7 of the Coinage Act, 1906 (3 of 1906), the Central Government hereby makes the following rules namely:—

1. Short title and commencement:— (1) These rules may be called the coinage (Weight and Remedy of the Coins of Rupees one Hundred and Rupees Ten and paise Twenty five and paise Ten coined for "Rural Women's Advancement") (ग्रामीण महिलाओं की प्रगति) Rules 1980.

(2) They shall come into force on the 31st day of October, 1980.

2. Standard Weight and remedy allowed on coins coined for 'Rural Women's Advancement' (ग्रामीण महिलाओं की प्रगति) The standard weight of the following coins coined under the provisions of section 6 of the Coinage Act 1906 (3 of 1906), and the remedy allowed in the making of such coins shall be as specified in the Table below:—

TABLE

Denomination	Weight	Remedy Allowed	
		In composition	In weight
100 Rupees	35 grammes	2/1000th plus or minus for silver i.e. the silver contents could vary from 498 to 502 per thousand.	1/100th plus or minus i.e. the weight could vary from 34.650 grammes to 35.350 grammes.
10 Rupees	25 grammes	1/100th plus or minus both for copper and nickel i.e. copper could vary from 74% to 76% and nickel from 24% to 26%.	1/40th plus or minus i.e. the weight could vary from 24.375 grammes to 25.625 grammes.
25 Paise	2.5 grammes	1/100th plus or minus both for copper and nickel i.e. copper could vary from 74% to 76% and nickel from 24% to 26%.	1/40th plus or minus.
10 Paise	2.3 grammes	Magnesium 3.5 to 4% Aluminium remainder.	1/40 th plus or minus

[No. F. 1/21/80-Coin]

नई दिल्ली, 21 अक्टूबर, 1980

का० आ० 2877.—केन्द्रीय सरकार, शिक्षा-निर्माण प्राधिनियम, 1906 (1906 का 3) की धारा 6 द्वारा प्रदत्त शक्तियाँ का प्रयोग करने हुए यह अध्यादेशित करती है कि निम्नलिखित मूल्य-वर्गों के सिक्के भी केन्द्रीय सरकार के प्राधिकार के अधीन जारी किए जाने के लिए एकसाल में बने जाएँगे और ऐसे सिक्के नीचे दी गई विधियों, डिजाइन और संरचना के अनुरूप होंगे, अर्थात् :—

मूल्य-वर्ग	आकार और व्यास	दाँतों की संख्या	धातु संरचना
(1)	(2)	(3)	(4)
एक सौ रुपए	वृत्ताकार 44 मिलिमिटर	200	चतुष्क मिश्रधातु 50 प्रतिशत चाँदी 40 प्रतिशत तांबा 5 प्रतिशत निकल 5 प्रतिशत जस्ता
दस रुपए	वृत्ताकार 39 मिलिमिटर	180	तांबा-निकल 75 प्रतिशत तांबा 25 प्रति- शत निकल
पच्चीस पैसे	वृत्ताकार 19 मिलिमिटर	100	तांबा-निकल 75 प्रतिशत तांबा 25 प्रति- शत निकल
दस पैसे	स्कैलपित (12 स्क्वैयर) स्कैलप के आर- पार 26 मिलिमिटर		ऐलुमीनियम-मैग्नीशियम 3.5 प्रतिशत से 4 प्रतिशत तक मैग्नीशियम और शेष भाग ऐलुमीनियम

डिजाइन :

100 रुपए

मुख्य भाग : सिक्के के इस भाग पर अशोक स्तम्भ का सिंह शीर्ष और उसके नीचे 'सत्यमेव जयते' उत्कीर्ण होगा और ऊपर की बायीं परिधि पर 'भारत' और ऊपर की दायीं परिधि पर 'INDIA' शब्द उत्कीर्ण होंगे। इस पर अन्तर्राष्ट्रीय श्रृंखों में सिक्के का मूल्य-वर्ग '100' भी अंकित होगा। नीचे की बायीं परिधि पर 'रुपए' शब्द और नीचे की दायीं परिधि पर 'RUPEES' शब्द उत्कीर्ण होंगे।

पृष्ठ भाग : सिक्के के इस भाग का विषय 'ग्रामीण महिलाओं की प्रगति' होगा। पृष्ठ भूमि में विद्युत पाइलान के साथ अनाज का पारंपरिक भण्डार दिखाई पड़ेगा। सामने के भाग में भारतीय महिला बिजली से चलने वाली भूसी निकालने की मशीन चलाने हुए दिखाई गई है। वृत्त में बायीं ओर 'ग्रामीण महिलाओं की प्रगति' वाक्य उत्कीर्ण है और वृत्त की दायीं ओर 'RURAL WOMEN'S ADVANCEMENT' उत्कीर्ण है और भूसी निकालने की मशीन के नीचे वर्ष '1980' उत्कीर्ण है।

10 रुपए

मुख्य भाग : सिक्के के इस भाग पर अशोक स्तम्भ का सिंह शीर्ष और उसके नीचे 'सत्यमेव जयते' उत्कीर्ण होगा और ऊपर की बायीं परिधि पर 'भारत' और ऊपर की दायीं परिधि पर 'INDIA' उत्कीर्ण होंगे। इस पर अन्तर्राष्ट्रीय श्रृंखों में सिक्के का मूल्य-वर्ग '10' अंकित होगा, नीचे की बायीं परिधि पर 'रुपए' शब्द और नीचे की दायीं परिधि पर 'RUPEES' शब्द उत्कीर्ण होंगे।

पृष्ठ भाग : सिक्के के इस भाग का विषय 'ग्रामीण महिलाओं की प्रगति' होगा। पृष्ठभूमि में विद्युत पाइलान के साथ अनाज का पारंपरिक भण्डार दिखाई पड़ेगा। सामने के भाग में भारतीय महिला बिजली से चलने वाली भूसी निकालने की मशीन चलाने हुए दिखाई गई है। वृत्त में बायीं ओर 'ग्रामीण महिलाओं की प्रगति' वाक्य उत्कीर्ण है और वृत्त की दायीं ओर 'RURAL WOMEN'S ADVANCEMENT' उत्कीर्ण है और भूसी निकालने की मशीन के नीचे वर्ष '1980' उत्कीर्ण है।

25 पैसे

मुख्य भाग : सिक्के के इस भाग पर अशोक स्तम्भ का सिंह शीर्ष उत्कीर्ण होगा और ऊपर की बायीं परिधि पर 'भारत' शब्द और ऊपर की दायीं परिधि पर 'INDIA' शब्द उत्कीर्ण होंगे। इस पर अन्तर्राष्ट्रीय श्रृंखों में सिक्के का मूल्य-वर्ग '25' भी अंकित होगा। नीचे की बायीं परिधि पर 'पैसे' शब्द और नीचे की दायीं परिधि पर 'PAISE' शब्द उत्कीर्ण होंगे।

पृष्ठ भाग : सिक्के के इस भाग का विषय 'ग्रामीण महिलाओं की प्रगति' होगा। पृष्ठभूमि में विद्युत पाइलान के साथ अनाज का पारंपरिक भण्डार दिखाई पड़ेगा। सामने के भाग में भारतीय महिला बिजली से चलने वाली भूसी निकालने की मशीन चलाने हुए दिखाई गई है। वृत्त में बायीं ओर 'ग्रामीण महिलाओं की प्रगति' वाक्य उत्कीर्ण है और वृत्त की दायीं ओर 'RURAL WOMEN'S ADVANCEMENT' उत्कीर्ण है और भूसी निकालने की मशीन के नीचे वर्ष '1980' उत्कीर्ण है।

10 पैसे

मुख्य भाग : सिक्के के इस भाग पर अशोक स्तम्भ का सिंह शीर्ष उत्कीर्ण होगा और ऊपर की बायीं परिधि पर 'भारत' शब्द और ऊपर की दायीं परिधि पर 'INDIA' शब्द उत्कीर्ण होंगे। इस पर अन्तर्राष्ट्रीय श्रृंखों में सिक्के का मूल्य-वर्ग '10' भी अंकित होगा। नीचे की बायीं परिधि पर 'पैसे' शब्द और नीचे की दायीं परिधि पर 'PAISE' शब्द उत्कीर्ण होंगे।

पृष्ठ भाग :—सिक्के के इस भाग का विषय 'ग्रामीण महिलाओं की प्रगति' होगा। पृष्ठभूमि में विद्युत पाइलान के साथ अनाज का पारंपरिक भण्डार दिखाई पड़ेगा। सामने के भाग में भारतीय महिला बिजली से चलने वाली भूसी निकालने की मशीन चलाने हुए दिखाई गई है। वृत्त में बायीं ओर 'ग्रामीण महिलाओं की प्रगति' वाक्य उत्कीर्ण है और वृत्त की दायीं ओर 'RURAL WOMEN'S ADVANCEMENT' उत्कीर्ण है और भूसी निकालने की मशीन के नीचे वर्ष '1980' उत्कीर्ण है।

[सं० एक० 1/21/80 सिक्का]

के० एस० यगनास्थामी, अवर सचिव

New Delhi, the 21st October, 1980

S.O.2877. —In exercise of the powers conferred by section 6 of the Coinage Act 1906 (3 of 1906), the Central Government hereby determines that the coins of the following denominations shall also be coined at the Mint for issue under the authority of the Central Government and that such coins shall conform to the following dimensions, designs and composition, namely:—

Denomination	Shape and Diameter	Number of serrations	Metal composition	
One Hundred Rupees	Circular 44 mm	200	Quaternary Alloy	
			Silver	50%
			Copper	40%
			Nickel	5%
			Zinc	5%
Ten Rupees	Circular 39 mm	180	Cupro Nickel	
			Copper	75%
			Nickel	25%
Twenty Five Paise	Circular 19mm	100	Cupro Nickel	
			Copper	75%
			Nickel	25%
Ten Paise	Scalloped (12 scallops) 26 mm across scallops		Aluminium	Magnesium
			Magnesium	3.5% to 4%
			Aluminium remainder	

DESIGNS :**100 RUPEES :**

- Obverse :** This face of the coins shall bear the Lion Capital of Ashoka Pillar with the legend "सत्यमेव जयते" inscribed below, flanked on the left upper periphery with the word "भारत" and on the right upper periphery with the word "INDIA". It shall also bear the denominational value "100" in international numerals flanked on the left lower periphery with the word "रुपये" and on the right lower periphery with the word "Rupees"
- Reverse :** This face of the coin shall have the theme "RURAL WOMEN'S ADVANCEMENT". The background shows traditional granary with electric Pylons. In the foreground an Indian woman is shown using an electrical husking machine. The left side of the circle is with inscription "ग्रामीण महिलाओं की प्रगति" of the slogan and the right side of the circle is with inscription "RURAL WOMEN'S ADVANCEMENT" and the year "1980" inscribed below the husking machine.

10 RUPEES :

- Obverse :** This face of the coins shall bear the Lion Capital of Ashoka Pillar with the legend "सत्यमेव जयते" inscribed below, flanked on the left upper periphery with the word "भारत" and on the right upper periphery with the word "INDIA". It shall also bear the denominational value "10" in international numerals flanked on the left lower periphery with the word "रुपये" and on the right lower periphery with the word "RUPEES"
- Reverse :** This face of the coins shall have the theme "RURAL WOMEN'S ADVANCEMENT". The background shows traditional granary with electric Pylons. In the foreground an Indian woman is shown using an electrical husking machine. The left side of the circle is with inscription "ग्रामीण महिलाओं की प्रगति" of the slogan and the right side of the circle is with inscription "RURAL WOMEN'S ADVANCEMENT" and the year "1980" inscribed below the husking machine.

25 Paise :

- Obverse :** This face of the coins shall bear the Lion Capital of Ashoka Pillar, flanked on the left upper periphery with the word "भारत" and on the right upper periphery with the word "INDIA". It shall also bear the denominational value "25" in international numerals flanked on the left lower periphery with the word "पैसे" and on the right lower periphery with the word "PAISE".
- Reverse :** This face of the coins shall have the theme "RURAL WOMEN'S ADVANCEMENT". The background shows traditional granary with electric Pylons. In the foreground an Indian woman is shown using an electrical husking machine. The left side of the circle is with inscription "ग्रामीण महिलाओं की प्रगति" of the slogan and the right side of the circle is with inscription "RURAL WOMEN'S ADVANCEMENT" and the year "1980" inscribed below the husking machine.

10 Paise :

- Obverse :** This face of the coin shall bear the Lion Capital of Ashoka Pillar flanked on the left upper periphery with the word "भारत" and on the right upper periphery with the word "INDIA". It shall also bear the denominational value "10" in international numerals flanked on the left lower periphery with the word "पैसे" and on the right lower periphery with the word "PAISE".
- Reverse :** This face of the coins shall have the theme "RURAL WOMEN'S ADVANCEMENT". The background shows traditional granary with electric Pylons. In the foreground an Indian woman is shown using an electrical husking machine. The left side of the circle is with inscription "ग्रामीण महिलाओं की प्रगति" of the slogan and the right side of the circle is with the inscription "RURAL WOMEN'S ADVANCEMENT" and the year "1980" inscribed below the husking machine.

[No. F 1/80-Coin.]

K. S. YEGNASWA Under Secy.

(बैंक प्रभाग)

नई दिल्ली, 1 अक्टूबर, 1980

का० प्रा० 2878.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 8 के उप खंड (1) के साथ पठित खंड 3 के उपखंड (क) के अनुसरण से, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा डा० एम० वी० पटवर्धन को पहली अक्टूबर, 1980 से आरम्भ होकर 31 अक्टूबर, 1980 को समाप्त होने वाली और अवधि के लिए बैंक आफ महाराष्ट्र के प्रबंध निदेशक के रूप में पुन नियुक्त करती है।

[सं० एफ० 9/6/80-बी०प्रो०-1 (1)]

(BANKING DIVISION)

New Delhi, the 1st October, 1980

S.O. 2878.—In pursuance of sub-clause (a) of clause 3, read with sub-clause (1) of clause 8, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby re-appoints Dr. M. V. Patwardhan as the Managing Director of the Bank of Maharashtra for a further period commencing on 1st October, 1980 and ending with 31st October, 1980.

[No. F. 9/6/80-BO-I(1)]

का० प्रा० 2879.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 7 के साथ पठित खंड 5 के उपखंड (1) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा डा० एम० वी० पटवर्धन, को, जिन्हें पहली अक्टूबर, 1980 से बैंक आफ महाराष्ट्र के प्रबंध निदेशक के रूप में पुन. नियुक्त किया गया है, उसी तारीख से बैंक आफ महाराष्ट्र के निदेशक बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

[संख्या एफ० 9/6/80-बी०प्रो०-1(2)]

च० डा० मीरचंदानी उप-सचिव

S.O. 2879.—In pursuance of sub-clause (1) of clause 5, read with clause 7, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Dr. M. V. Patwardhan, who has been re-appointed as Managing Directors of the Bank of Maharashtra with effect from 1st October, 1980, to be the Chairman of the Board of Directors of the Bank of Maharashtra with effect from the same date.

[No. F. 9/6/80-BO-I(2)]

C. W. MIRCHANDANI, Dy. Secy.

नई दिल्ली, 6 अक्टूबर, 1980

का० प्रा० 2880.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध, इस अधिसूचना के भारत के राजपत्र में प्रकाशित होने की तारीख से 31 दिसम्बर, 1980 तक की अवधि के लिए पुडुकोट्टाई सेंट्रल कोऑपरेटिव बैंक लिमिटेड, पुडुकोट्टाई पर उम सीमा तक लागू नहीं होंगे जहाँ तक इनका संबंध इस बैंक द्वारा गैर-बैंकिंग परिसम्पत्तियों अर्थात् अलंगुडी गांव, जिला पुडुकोट्टाई में स्थित गोशम तथा दो भूमि खंड (साइट्स) क्रम संख्या 78/ए1-ए2 और ए1 ए1 जिनका माप क्रमशः 0.39 सेट और 1.50 सेट है, की धारिता से है।

[संख्या 8(43)/80ए० सी०]

807 GI/80—3

New Delhi, the 6th October, 1980

S.O. 2880.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Pudukkottai Central Cooperative Bank Ltd., Pudukkottai so far as they relate to its holding of a non-banking asset viz., Godown and two sites S. No. 78/A1-A2 and A1 A1 measuring 0.39 cents and 1.50 cents respectively in Alangudi Village, Distt. Pudukkottai for the period from the date of publication of this notification in the Gazette of India to 31 December 1980.

[No. 8(43)/80-AC]

का० प्रा० 2881.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध, इस अधिसूचना के भारत के राजपत्र में प्रकाशित होने की तारीख से 28 फरवरी, 1981 तक की अवधि के लिए त्रि श्रोककुलम डिस्ट्रिक्ट कोऑपरेटिव सेंट्रल बैंक लि० श्रोककुलम पर उम सीमा तक लागू नहीं होंगे जहाँ तक इनका संबंध इस बैंक द्वारा कुछ गैर-बैंकिंग परिसम्पत्तियों अर्थात् अपने वाशों की तुष्टि के अनु रूप इसके द्वारा श्रोककुलम जिले के विभिन्न ग्रामों में अश्रित निम्नलिखित भू-सम्पत्ति की धारिता से है।

ग्राम	भूमि की सीमा
1. बाडापल्ली	5.00 एकड़
2. बेटालापुलम	1.00 एकड़
3. रत्ती	8.50 एकड़

[संख्या 8(41)/80-ए०सी०]

इन्दरानी सेन, अवसर सचिव

S.O. 2881.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declared that the provisions of Section 9 of the said Act shall not apply to the Srikakulam District Co-operative Central Bank Ltd., Srikakulam in so far as they relate to its holding of certain non-banking assets viz., landed properties acquired by it prior to 1 March 1966 in satisfaction of its claims in various villages in Srikakulam District.

Village	Extent of land
1. Badapalli	5.00 Acres
2. Betalapuram	1.00 Acre
3. Ratti	8.50 Acres

[No. 8(41)/80-AC]

INDRANI SEN, Under Secy.

केन्द्रीय उत्पाद शुल्क समाहर्ता का कार्यालय

अधिसूचना सं० 4 1980

कलकत्ता, 19 सितम्बर, 1980

केन्द्रीय उत्पाद शुल्क

का० प्रा० 2882.—केन्द्रीय उत्पाद शुल्क नियमावली, 1944 के नियम 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और समाहर्तारिय की अधिसूचना सं० 4-एकम (एम०पी०) 57 दिनांक 6/4/1957 का आंशिक संशोधन करते हुए मैं इसके द्वारा नीचे लिखित तालिका में उल्लिखित केन्द्रीय उत्पाद शुल्क अधिकारियों को उनके सम्बन्धित कार्यक्षेत्र में नियम 93 (बी०) इन्वि के अन्तर्गत समाहर्ता की शक्तियों को कालम 3 दिये गये प्रतिबंधों के अनुसार प्रयुक्त करने की प्राधिकृत करता हूँ।

(तालिका)

अधिकारी का पद सबंध के प्रतिबन्ध यदि कोई हो
उ० शुल्क
नियम जिस
संबंध में
शक्ति दी गई
है

1	2	3
केन्द्रीय उत्पाद शुल्क अधीक्षक	93 (बी)	समन्वय की सुविधा के लिए मामलों की जानकारी सम्बन्धित सहायक समाहर्ता और समाहर्ता को भी दी जाये। [सी० सं० 4 (8) 1-के० उ० शुल्क/78] बी० एन० रंगवानी, समाहर्ता

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE

NOTIFICATION NO. 4/1980

Calcutta, the 19th September, 1980

CENTRAL EXCISE

S.O. 2882—In exercise of the powers conferred upon me by rule 5 of the Central Excise Rules, 1944 and in partial modification of Collectorate Notification No. 4-Ex(M.P.)-57, dated 6-4-1957, I hereby empower the Central Excise Officers, specified in the following table, to exercise within their respective jurisdictions, the powers of Collector under Rule 93(b), ibid, subject to restrictions set out in Col. 3 thereof :

TABLE

Rank of Officer	Relevant C.E. Rule in respect of which power is delegated	Restrictions if any
1	2	3
Superintendent of Central Excise	93(b)	For the sake of Co-ordination the cases should be reported to the respective A.C. and also to Collector.

[C. No. IV(8) 1-CE/78]

B. N. RANGWANI, Collector

बंगलौर, 4 अक्टूबर, 1980

सीमाशुल्क

का० आ० 2883 — 1962 के सीमाशुल्क अधिनियम की धारा 8(क) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए मैं श्री रविन्द्रनाथ शुक्ल, समाहर्ता सीमा तथा केन्द्रीय उत्पाद शुल्क, बंगलौर, कर्नाटक समाहर्तालय, एतद्द्वारा कर्नाटक राज्य में स्थित नये मंगलौर के बड़े बंदरगाह में सभी निर्यात/आयात एवं तटवर्ती जालों को लादने तथा उतारने के लिए, अनुबन्ध में बताए गए स्थान को अनुमोदित करता हूँ।

2. यह अधिसूचना 30 सितम्बर, 1981 तक वैध रहेगी।

बिनांक 4-10-80 की अधिसूचना सं० 2/80 का अनुबन्ध

बंदरगाह का नाम	घाट की संख्या	स्वामी का नाम निजी सरकारी	घाट की सीमा (जिसमें उसकी परिमीमा का पूरा विवरण भी शामिल है)	अवतरण स्थान का विवरण	घाट की लम्बाई और चौड़ाई	सम्बन्धित माल का विवरण
1	2	3	4	5	6	7
नये मंगलौर का बड़ा बंदरगाह	6	सरकारी	लम्बाई में 300 मीटर	उत्पात कच्चा लोहा वर्य (घयर्न और वर्य)	लम्बाई 300 मीटर चौड़ाई 61 मीटर	निर्यात, आयात तथा तटवर्ती सभी माल/वस्तुएं

[अधि० सं० 2/80-सीमाशुल्क/सी० न० VIII/48/206/80-सी० 2]
रविन्द्रनाथ शुक्ल, समाहर्ता

Bangalore, the 4th October, 1980

CUSTOMS

S.O. 2883.—In exercise of the powers conferred upon me under section 8(a) of the Customs Act, 1962, I, R. N. Shukla, Collector of Customs and Central Excise, Bangalore,

ANNEXURE TO NOTIFICATION NO. 2/80 (CUSTOMS) DATED : 4-10-1980

Karnataka Collectorate, hereby approve the place as detailed in the Annexure for the loading and unloading of all Export/Import and Coastal goods in respect of the Major Port of New Mangalore in the State of Karnataka.

2. This notification is valid upto 30th September, 1981.

Name of the Port	No. of the wharf	Name of the owner Private Govt.	Limits of the wharf including full details of boundaries	Details of the landing Place	Measurement of the wharf in length and breadth	Particulars of goods dealt with
1	2	3	4	5	6	7
Major Port of New Mangalore	6	Govt.	300 Metres in length	Iron Ore Berth	Length 300 metres Breadth 61 metres	All Export, Import and Coastal Goods.

[Notn. No. 2/80 (Customs)/C. No. VIII/48/206/80-C2]
R. N. SHUKLA, Collector

केन्द्रीय उत्पाद-शुल्क समहर्तालय, मध्य प्रदेश

नोटिस संख्या 4/80-तम्बाकू उत्पाद-1/80, दिनांक 4-10-80

इन्दौर, 9 अक्टूबर, 1980

केन्द्रीय उत्पाद-शुल्क

विषय — निर्मित तम्बाकू उत्पाद—लेबल्स आदि के नमूनों की स्वीकृति जैसा कि नियम 93(ख) में आवश्यक है—अधीक्षक को समहर्ता की शक्तियों का प्रत्यायोजन।

क्र. आ. 2884 — केन्द्रीय उत्पाद-शुल्क नियमावली, 1944 के नियम 5 के अन्तर्गत प्रवृत्त शक्तियों का प्रयोग करते हुए मैं इसके द्वारा केन्द्रीय उत्पाद-शुल्क अधिकारियों में से जो कि अधीक्षक के पद से कम न हों को "समहर्ता" की शक्तियों के दायित्वाधीन केन्द्रीय उत्पाद-शुल्क नियमावली, 1944 के नियम 93(ख) के अधीन निर्मित तम्बाकू उत्पादों के रेपर्स, बाहरी आवरण तथा पर्चियों (लेबल्स) उनके निजी अधिकार-क्षेत्र के अन्तर्गत स्वीकृति पदान करते हैं बशर्ते कि रेपर्स आदि के स्वीकृत नमूने उसी क्षेत्रीय सहायक समहर्ता तथा समहर्ता को भेजे जाएं।

[सी संख्या-वी(4)8-1/80/सी एक्स]
एस. के. धर, समहर्ता

Central Excise Collectorate, Madhya Pradesh

NOTIFICATION NO 4/80-TOBACCO PRODUCT; 1/80,
DATED 4-10-80

Indore, the 9th October, 1980

CENTRAL EXCISES

Subject — Manufactured Tobacco Products—Approval of Specimen of Labels etc., as required under rule 93(b)—Delegation of Powers of Collector to Superintendents

S.O. 2884.—In exercise of the powers conferred upon me under Rule 5 of the Central Excise Rules, 1944, I hereby empower the Central Excise Officers not below the rank of Superintendent to exercise the powers of "Collector" under Rule 93(b) of the Central Excise Rules, 1944 for approval of wappers, outer coverings or labels of manufactured tobacco products within their respective jurisdiction subject to the condition that the approved specimen of wappers etc. are sent to the jurisdictional Assistant Collector and also to the Collector.

[C No V(4)8-1/80/CX]
S K. DHAR, Collector

बाणिज्य मंत्रालय

(बाणिज्य विभाग)

आदेश

नई दिल्ली, 25 अक्टूबर, 1980

क्र. आ. 2885 — निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार की यह राय है कि भारत के निर्यात व्यापार के विकास के लिए यह आवश्यक और समीचीन है कि काजू द्रव निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन लाना होगा,

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट कतिपय प्रस्ताव बनाए हैं तथा उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की प्रपञ्चानुसार निर्यात निरीक्षण परिषद् को भेज दिया है,

प्रत उक्त उपनियम के अनुसरण में, केन्द्रीय सरकार उक्त प्रस्तावों को उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की सम्भावना है।

सूचना दी जाती है कि उक्त प्रस्तावों के बारे में यदि कोई व्यक्ति आपक्ष या सूझाव भेजना चाहें तो उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिन के भीतर, निर्यात निरीक्षण परिषद् "ब्लैक ट्रेड सेक्टर" (प्राठवी मजिल) 14/1बी, एजरा स्ट्रीट, कलकत्ता-700001 को भेज सकता है।

प्रस्ताव

(1) अधिसूचित करना कि काजू द्रव निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होगा,

(2) इस आदेश के उपाबन्ध 1 में दिए गए काजू द्रव का निर्यात (निरिक्षण) नियम, 1980 के प्राख्य के अनुसार निरीक्षण के प्रकार को ऐसे क्वालिटी नियंत्रण और निरीक्षण के प्रकार के रूप में विनिर्दिष्ट करना जो निर्यात से पूर्व ऐसे काजू द्रव को लागू होगा;

(3) (क) निर्यातकर्ता और क्रेता के बीच हुई सहमति के अनुसार निर्यात सविदा में दिए गए विनिर्देशों को मान्यता देना।

(ख) उपरोक्त (क) के अभाव में भारतीय मानक विनिर्देश भा. मा. 840-1964 में दिए गए विनिर्देशों को मान्यता देना।

(4) अन्तरराष्ट्रीय व्यापार के दौरान काजू द्रव के निर्यात को तब तक प्रतिषिद्ध करना जब तक कि उसके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्थापित निर्यात निरीक्षण अभिकरणों में से किसी एक अभिकरण द्वारा दिया गया इस आशय का प्रमाणपत्र न हो कि काजू द्रव का परेषण इसको लागू मानक विनिर्देशों के अनुरूप है और निर्यात योग्य है।

2 इस आदेश में "काजू-द्रव" से काजू के छिलको से ऐनाकाडियम आक्सीडेंटेल से प्राप्त द्रव अभिप्रेत है।

3 इस आदेश की कोई भी बात भावी क्रेताओं को भूमि, सड़ या बायु मार्ग द्वारा काजू द्रव के उन नमूनों के निर्यात को लागू नहीं होगी जिनका मूल्य एक सौ पच्चीस रुपये से अधिक नहीं है।

उपबन्ध-I

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने के लिए प्रस्तावित प्राख्य नियम

1 सक्षिप्त नाम और प्रारम्भ — (1) इन नियमों का सक्षिप्त नाम काजू द्रव का निर्यात (निरिक्षण) नियम, 1980 है।

(2) ये नियम प्रवृत्त होंगे।

2 परिभाषाएँ — इन नियमों में, जब तक कि सर्वत्र से अन्यथा प्रपेक्षित न हो —

(1) "अधिनियम" से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है,

(2) "अभिकरण" से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा मुम्बई, कलकत्ता, कोचीन, दिल्ली और मद्रास में स्थापित कोई भी एक अभिकरण अभिप्रेत है,

(3) "काजू द्रव" से काजू के छिलको (ऐनाकाडियम आक्सीडेंटेल) से प्राप्त द्रव अभिप्रेत है।

3. निरीक्षण का आधार:—निर्यात के लिए काजू द्रव का निरीक्षण यह देखने की दृष्टि से किया जाएगा कि काजू द्रव निर्यातकर्ता द्वारा घोषित निर्यात सविदा में दिए गए विनिर्देशों के अनुरूप है। किसी भी ऐसे सविदात्मक विनिर्देशों की अनुपस्थिति में भा० मा० 840-1964 में दिए गए विनिर्देशों का अनुसरण किया जाएगा।

4. निरीक्षण की प्रक्रिया:—काजू द्रव को निर्यात करने का इच्छुक निर्यातकर्ता अपने ऐसा करने के आशय की सूचना लिखित रूप में देगा तथा ऐसी सूचना के साथ ऐसे निर्यात से संबंधित निर्यात सविदा में दिए गए विनिर्देशों की एक घोषणा किसी एक निर्यात निरीक्षण अधिकरण को देगा ताकि वह नियम 3 के अनुसार निरीक्षण कर सके।

2. उप-नियम (1) के अधीन प्रत्येक सूचना सदाई की प्रत्याशित तारीख से कम से कम 10 दिन पूर्व दी जाएगी।

(3) उप-नियम (2) के अधीन सूचना और घोषणा प्राप्त हो पर अधिकरण काजू द्रव के परेषण का निरीक्षण यह देखने की दृष्टि से करेगा कि वह निर्यातकर्ता द्वारा घोषित निर्यात सविदा में दिए गए विनिर्देशों के अनुरूप है या किसी ऐसे सविदात्मक विनिर्देशों के अभाव में भा० मा० 840-1964 में अधिकृत विनिर्देशों के अनुरूप है।

(4) उप-नियम (2) में निविष्ट निरीक्षण के लिए अनुरोध प्राप्त होने पर इस निमित्त में प्राधिकृत अधिकरण का अधिकारी निरीक्षण के स्थान पर जाएगा। निर्यातकर्ता निरीक्षण के लिए लॉट को उचित रूप से पैक की गई दशा में प्रस्तुत करेगा तथा आधानों की गणनीय वृग से रखेगा। काजू द्रव विदेशी क्रेताओं और निर्यातकर्ताओं के बीच हुई सहमति के अनुसार आधानों में पैक किया जाएगा।

(5) निरीक्षण अधिकारी काजू द्रव के परेषण का निरीक्षण निर्यात निरीक्षण परिषद् द्वारा इस निमित्त समय समय पर जारी किए गए अनुदेशों के अनुसार यह देखने की दृष्टि से करेगा कि नियम 3 में निविष्ट मान्य विनिर्देशों की अपेक्षाओं के अनुरूप है।

(6) निर्यातकर्ता अधिकरण को सभी आवश्यक सुविधाएं देगा ताकि वह ऐसा निरीक्षण कर सके।

5. मुहरबन्ध किया जाना:—यदि उपरोक्त निरीक्षण करने के पश्चात् लॉट बिंदित अपेक्षाओं के अनुरूप पाया जाता है तो निर्यात निरीक्षण परिषद् समय-समय पर जारी किए गए अनुदेशों के अनुसार आधानों के उचित रूप से मुहर बंद किया जाएगा।

6. निरीक्षण का प्रमाण-पत्र:—यदि निरीक्षण के पश्चात् अधिकरण का यह समाधान हो जाता है कि निर्यात किए जाने वाले काजू द्रव का परेषण नियम 3 के अधीन विनिर्देशों के अनुरूप है तो अधिकरण नियम 4 के उप-नियम (3) में निविष्ट आवेदन की प्राप्ति से 10 दिन के भीतर यह घोषित करते हुए प्रमाण-पत्र जारी करेगा कि काजू द्रव का परेषण क्वालिटी नियंत्रण और निरीक्षण से संबंधित शर्तों को पूरा करता है और निर्यात योग्य है।

परन्तु जहाँ अधिकरण का इस प्रकार का समाधान नहीं होता है तो वह उक्त 10 दिन की अवधि के भीतर ऐसा प्रमाण-पत्र जारी करने से इंकार कर देगा तथा ऐसे इंकार की सूचना लिखित रूप में उसका कारण देते हुए निर्यातकर्ता को देगा।

7. निरीक्षण का स्थान:—इन नियमों के प्रयोजन के लिए काजू द्रव का निरीक्षण (क) विनिर्माता के परिसर पर, या (ख) निर्यातकर्ता के परिसर पर परन्तु यह तब जब कि वहां पर्याप्त सुविधाएं विद्यमान हों या (ग) लदान पत्तन पर किया जाएगा अधिकरण को अपने प्रमाणीकरण के पश्चात् भी, जब तक कि मास का देश से लदान नहीं हो जाना परेषण का निरीक्षण करने का अधिकार होगा।

8. निरीक्षण फीस:—प्रत्येक परेषण के लिए न्यूनतम एक सौ रुपए के अधीन रहते हुए, पोत पर्यन्त निःशुल्क मूल्य के प्रत्येक सौ रुपए या

उसके भिन्नांग के लिए पचास पैसे की दर से फीस, निरीक्षण फीस के रूप में निर्यातकर्ता द्वारा अधिकरण को दी जाएगी।

9. अपील:—(1) नियम 6 के अधीन अधिकरण द्वारा निर्यात-योग्य का प्रमाण-पत्र देने से इंकार किए जाने से व्यक्ति कोई व्यक्ति उसके द्वारा ऐसे इंकार की सूचना प्राप्त होने से दस दिन के भीतर विशेषज्ञों के पैनल को अपील कर सकता है।

विशेषज्ञों के पैनल में इस प्रयोजन के लिए केन्द्रीय सरकार द्वारा नियुक्त कम से कम तीन तथा अधिक से अधिक सात व्यक्ति होंगे।

(2) विशेषज्ञों के पैनल की कुल सदस्यता के कम से कम दो तिहाई सदस्य गैर सरकारी होंगे।

(3) पैनल की गणपूर्ति तीन से होगी।

(4) अपील प्राप्त होने के पन्द्रह दिन के भीतर निपटा दी जाएगी।

(5) ऐसी अपील पर पैनल का विनिश्चय अन्तिम होगा।

[स० 6(2)/80-नि० नि० तथा नि० उ०]

MINISTRY OF COMMERCE

(Department of Commerce)

ORDER

New Delhi, the 25th October, 1980

S.O. 2885.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government is of opinion that it is necessary and expedient so to do for the development of the export trade of India, that Cashew nutshell liquid should be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated certain proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposals for information of the public likely to be affected thereby;

Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within fortyfive days of the date of publication of this Order in the Official Gazette, to the Export Inspection Council 'World Trade Centre' (7th floor), 14/1B, Ezra Street, Calcutta-700001.

PROPOSALS

1. (1) To notify that Cashew nutshell liquid shall be subject to quality control and inspection prior to export;

(2) To specify the type of inspection in accordance with the draft export of cashew nutshell liquid (Inspection) Rules, 1980 set out in Annexure I to this Order as the type of quality control and inspection which shall be applied to such cashew nutshell liquid prior to export;

(3) To recognise the specifications : (a) As stipulated in the export contract as agreed to between the exporter and the buyer;

(b) In the absence of (a) above, the specifications as set out in the Indian Standard Specification IS : 840-1964.

(4) To prohibit the export in the course of international trade of any such cashew nutshell liquid unless the same are accompanied by a certificate issued by one of the Export Inspection Agencies established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that the consignment of such Cashew nutshell liquid conforms to the standard specifications applicable to it and is export-worthy.

2. In this Order "Cashew nutshell liquid" shall mean the liquid obtained from the shell of Cashew nuts.

(Anacardium occidentale).

3. Nothing in this Order shall apply to the export by land, sea, or air of Cashew nutshell liquid as samples to prospective buyers, the value of which does not exceed Rupees One hundred twenty five.

ANNEXURE-I

Draft Rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

1. Short title and commencement :—(1) These rules may be called the Export of Cashew Nutshell Liquid (Inspection) Rules, 1980.

(2) They shall come into force on—

2. Definitions :—In these rules, unless the context otherwise requires :—

(i) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(ii) "Agency" means any one of the Export Inspection Agencies established by the Central Government at Bombay, Calcutta, Cochin, Delhi, and Madras under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(iii) "Cashew nutshell liquid" means the liquid obtained from the shell of Cashew nuts (An acardium occidentale)

3. Basis of Inspection :—Inspection of Cashew nutshell liquid for export shall be carried out with a view to seeing that the Cashew nutshell liquid conforms to the specifications stipulated in the export contract as declared by the exporter. In the absence of any such contractual specifications, the specifications stipulated in IS : 840—1964 shall be followed.

4. Procedure of Inspection—(i) An exporter intending to export Cashew nutshell liquid shall give intimation, in writing of his intention so to do and submit along with such intimation a declaration of the specifications stipulated in the export contract relating to such export to any one of the Export Inspection Agencies to enable it to carry out the inspection in accordance with rule 3.

(2) Every intimation under sub-rule (1) shall be submitted not less than 10 days before the expected date of shipment.

(3) On receipt of the intimation and declaration under sub-rule (2) the agency shall inspect the consignment of Cashew nutshell liquid with a view to seeing that the same conforms to the specifications stipulated in the export contract as declared by the exporter or in the absence of any such contractual specifications conforms to the specifications laid down in IS : 840—1964.

(4) On receipt of request for inspection, referred to in sub-rule (2), the agency officer authorised in this behalf, shall visit the place of inspection. The exporter shall offer the lot for inspection in suitably packed condition and shall keep the containers in countable manner. Cashew nutshell liquid shall be packed in containers as agreed to between the foreign buyers and the exporters.

(5) The inspecting officer shall inspect the consignment of Cashew nutshell liquid as per the instructions issued by the Export Inspection Council in this behalf from time to time, with a view to seeing that the same complies with the requirements of the recognised specifications referred to in rule 3.

(6) The exporter shall provide all the necessary facilities to the agency to enable it to carry out such inspection.

5. Sealing :—If after carrying out the inspection as outlined above the lot is found to satisfy the prescribed requirements, the containers shall be suitably sealed as per the instructions issued by the Export Inspection Council from time to time.

6. Certificate of Inspection :—If after inspection, the agency is satisfied that the consignment of Cashew nutshell liquid to be exported complies with the specifications under rule 3, the agency, shall within 10 days of receipt of the application referred to in sub-rule (3) of rule 4, issue a certificate declaring that the consignment of Cashew nutshell liquid satisfies the condition relating to quality control and inspection and is exportworthy :

Provided that where the agency is not so satisfied it shall within the said period of 10 days, refuse to issue such certificate and communicate such refusal in writing to the exporter stating the reasons therefor.

7. Place of Inspection :—Inspection of the Cashew nutshell liquid for the purpose of these rules shall be carried out either (a) at the premises of the manufacturer or (b) at the premises of the exporter, provided adequate facilities exist therein for inspection or (c) at the port of shipment. The agency shall however have the right to inspect the consignment, after its certification, till it is shipped from the country.

8. Inspection fee :—Subject to a minimum of rupees one hundred for each consignment, a fee at the rate of fifty paise for every hundred rupees or fraction thereof the F. O. B. value shall be paid by the exporter to the agency as inspection fee.

9. Appeal :—(1) Any person aggrieved by the refusal of the agency to issue a certificate of exportworthiness under rule 6 may within ten days of receipt of the communication of such refusal by him prefer an appeal to a Panel of Experts.

The Panel of Experts shall consist of not less than three and not more than seven persons as may be appointed for the purpose by the Central Government.

(2) At least two-thirds of the total membership of the Panel of Experts shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days from the date of its receipt.

(5) The decision of the panel on such appeal shall be final.

[No. 6(2)/80-EI&EP]

प्रवेश

क्रा० आ० 2886—नियति (स्वातन्त्र्य निरीक्षण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केंद्रीय सरकार श्री यश राय है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक और समीचीन है कि सजावट के प्रयोजन के लिए ग्रेजुट फैंबिक का निर्यात में पूर्ण निरीक्षण किया जाए,

और केंद्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव तैयार हैं और उन्हें नियति (स्वातन्त्र्य निरीक्षण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अवधानानुसार नियति निरीक्षण परिषद् का भेज दिया है,

अतः, उक्त उपनियम के अनुसरण में केंद्रीय सरकार उक्त प्रस्तावों को उन लोगों की जानकारी के लिए प्रकाशित करती है, जिनके उनसे प्रभावित होने की संभावना है।

सूचना दी जाती है कि यदि कोई व्यक्ति उक्त प्रस्तावों के बारे में कोई आक्षेप या सुझाव भेजना चाहता है तो वह उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से पतालास खित के भीतर नियति निरीक्षण परिषद् "वर्ल्ड ट्रेड सेंटर" आठवीं मंजिल 14/1-बी० एजरा स्ट्रीट कलकत्ता-1 को भेज सकता है।

प्रस्ताव

(1) अधिसूचित करना कि सजावट के प्रयोजन के लिए ग्रेजुट फैंबिक नियति से पूर्ण निरीक्षण के अधीन होगा।

(2) इस आदेश के उपाखण्ड 1 में दिए गए सजावट के प्रयोजन के लिए ग्रेजुट फैंबिक नियति (निरीक्षण) नियम 1980 के अनुसार निरीक्षण के प्रकार को निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करना जो नियति से पूर्ण सजावट के प्रयोजन के लिए ऐसे ग्रेजुट फैंबिक को लागू किया जाएगा।

(3) (क) इस आदेश के उपाखण्ड 2 में दी गयी न्यूनतम श्रेणियों के अधीन रहते हुए सजावट के प्रयोजनों के लिए ग्रे जूट फैब्रिक के नियमित कर्ता द्वारा घोषित निर्यात संधिदा के स्वीकृत विनिर्देशों को सजावट के प्रयोजनों के लिए ग्रे जूट फैब्रिक के लिए मानक विनिर्देशों के रूप में मान्यता देना।

(ख) उपरिबर्णित विनिर्देशों में से किसी के अभाव में, ऐसे मानकों विनिर्देशों की जांच तथा अनुमोदन करने के प्रयोजन के लिए नियत निरीक्षण परिषद् द्वारा नियुक्त विशेषज्ञों के दैनिक द्वारा बनाए गए विनिर्देश को मान्यता देना।

(4) अन्तर्राष्ट्रीय व्यापार के दौरान सजावट के प्रयोजनों के लिए ग्रे जूट फैब्रिक के निर्यात को तब तक प्रतिबंधित करना जब तक कि उसके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन स्थापित अभिकरणों में से किसी एक के द्वारा दिया गया इस आशय का प्रमाण-पत्र न हो कि सजावट के प्रयोजनों के लिए ग्रे जूट फैब्रिक का परेण निरीक्षण में संश्लिष्ट शर्तों को पूरा करता है तथा निर्यात योग्य है।

2. इस आदेश की कोई भी बात भावी श्रेणियों को सजावट के प्रयोजनों के लिए ग्रे जूट फैब्रिक के वास्तविक नमूनों के निर्यात को भूमि, समुद्र या वायु मार्ग द्वारा लागू नहीं होगी, जिसका पीत पर्यन्त निष्पक्ष मूल्य सौ रुपये से अधिक नहीं होगा।

3. परिभाषा—सजावट के प्रयोजनों के लिए ग्रे जूट फैब्रिक से विभिन्न बनावट के प्राकृतिक रंग के जूट फैब्रिक तथा सजावट के प्रयोजन के लिए प्रयोग होने वाली बुनाई अभिप्रेत है तथा जिसके अन्तर्गत सजावट के प्रयोजन के लिए ब्लैच किया हुआ और या रंगा हुआ जूट फैब्रिक नहीं है।

4. यह आदेश राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा।

उपाखण्ड 1

[धारा 1 का उप-धारा (2) देखिए]

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने के लिए प्रस्तावित नियमों का प्राप्प।

1. संक्षिप्त नाम और प्रारम्भ—इन नियमों का नाम सजावट के प्रयोजनों के लिए ग्रे जूट फैब्रिक का निर्यात (निरीक्षण) नियम, 1979 है।

2. परिभाषाएँ—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो—

(क) “अधिनियम” से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है,

(ख) “अभिकरण” से अधिनियम की धारा 7 के अधीन मुम्बई, कलकत्ता, कोचीन, बिल्ली तथा मद्रास में केन्द्रीय सरकार द्वारा स्थापित अभिकरणों में से कोई अभिकरण अभिप्रेत है,

(ग) सजावट के प्रयोजनों के लिए ग्रे जूट फैब्रिक से विभिन्न बनावट के प्राकृतिक रंग के जूट फैब्रिक तथा सजावट के प्रयोजन के लिए प्रयोग होने वाली बुनाई अभिप्रेत है तथा जिसके अन्तर्गत सजावट के प्रयोजन के लिए ब्लैच किया हुआ और या रंगा हुआ जूट फैब्रिक नहीं है।

3. निरीक्षण का आधार—(1) निर्यात किया जाने वाले सजावट के प्रयोजनों के लिए ग्रे जूट फैब्रिक का निरीक्षण यह देखने की दृष्टि से किया जाएगा कि सजावट के प्रयोजन के लिए ग्रे जूट फैब्रिक अधिनियम की धारा

6 के अधीन केन्द्रीय सरकार द्वारा मान्य विनिर्देशों के जिन्हें हममें इसके पश्चात् मान्य विनिर्देश कहा गया है अनुरूप हैं।

(2) नमूने इन नियमों की अनुसूची में उल्लिखित सारणी के अनुसार लिए जाएंगे।

4. निरीक्षण की प्रक्रिया—(1) (क) सजावट के प्रयोजन के लिए ग्रे जूट फैब्रिक का निर्यात करने का इच्छुक निर्यात-कर्ता ऐसा करने के अपने आशय की सूचना लिखित में देगा तथा ऐसी सूचना के साथ निर्यात संधिदा में अनुबद्ध स्वीकृत विनिर्देशों के साथ सभी तकनीकी विशेषताओं का भोरा देने हुए किसी भी अभिकरण को घोषणा देगा ताकि वह नियम 3 के अनुसार निरीक्षण करने में समर्थ हो सके, तथा वह उसी समय ऐसी सूचना की एक प्रति परिषद् के निकटतम कार्यालय को निरीक्षण के लिए भेजेगा।

(ख) परिषद् तथा उसके प्रादेशिक कार्यालयों के पने नीचे दिए गए हैं।

मुख्य कार्यालय

निर्यात निरीक्षण परिषद्,
बस स्टैंड रोड, (3वीं मंजिल)
14/1-बी, एजरा स्ट्रीट,
कलकत्ता-700001

प्रादेशिक कार्यालय

- (1) निर्यात निरीक्षण परिषद्,
अमन चैम्बर, 6वीं मंजिल,
113, महेशि कॉलेज रोड
मुम्बई-400004
- (2) निर्यात निरीक्षण परिषद्, म्युनिसिपल
मार्केट बिल्डिंग (5वीं मंजिल)
3, सरस्वती मार्ग, करोल बाग
नई दिल्ली-110005
- (3) निर्यात निरीक्षण परिषद्,
मनोहर बिल्डिंग
महारमा गार्ड रोड,
एनिकुलम,
कोचीन-682011

(2) उप-नियम (1) के अधीन प्रत्येक सूचना तथा घोषणा बढान की प्रत्याशित तारीख से कम से कम दस दिन पहले अभिकरण के कार्यालय में पहुँचनी।

(3) निरीक्षण के लिए आवेदन देने से पहले निर्यात कर्ता स्वयं माल का ध्यान पूर्वक निरीक्षण करेगा तथा उस सभी वस्तुओं को जो मान्य विनिर्देशों के अनुरूप नहीं है हटा देगा।

(4) उप-नियम (2) में निर्दिष्ट सूचना तथा घोषणा प्राप्त होने पर अभिकरण सजावट के प्रयोजन के लिए ग्रे जूट फैब्रिक के परेण का निरीक्षण नियम 3 के तथा इस संबंध में परिषद् द्वारा समय-समय पर जारी किए गए अनुदेशों, यदि कोई हों के अनुसार यह देखने की दृष्टि से करेगा कि वह उस पर लागू मानक विनिर्देशों की अपेक्षाओं के अनुरूप है।

(5) निरीक्षण के पूरा होने के पश्चात् अभिकरण परेण के पैकेजों को तुरन्त यह सुनिश्चित करने के लिए मोहर बन्द करेगा कि मोहर बन्द किए गए माल में फेरफार न किया जा सके। परेण अस्वीकृत कर दिए जाने की वशा में, यदि निर्यातकर्ता चाहता है तो परेण अभिकरण द्वारा मुहरबन्द नहीं किया जाएगा किन्तु ऐसे मामलों में निर्यातकर्ता अस्वीकृत के विरुद्ध अपील करने का हकवार नहीं होगा।

5. निरीक्षण का स्थान—इन नियमों के अधीन सजावट के प्रयोजन के लिए ग्रे जूट फैब्रिक का निरीक्षण (क) विनिर्दिष्ट के परिमर पर, या (ख) उस परिसर पर किया जाएगा जहाँ निर्यातकर्ता द्वारा माल प्रस्तुत

किया जाता है, परन्तु यह सब जब कि इस प्रयोजन के लिए बड़ा पर्याप्त सुविधाएँ विद्यमान हों।

6 निरीक्षण फीम—प्रत्येक परेक्षण के लिए न्यूनतम दो रूप, अर्थात् रहते हुए, ऐसे परेक्षण के दोन पर्याप्त निष्कर्ष मान्य के 0.5 प्रतिशत की दर से फीम निरीक्षण फीम के रूप में निर्धारित कर्ता द्वारा अभिकरण को दी जाएगी।

7. निरीक्षण का प्रमाण-पत्र—अभिकरण अपना यह समाधान कर लेने पर कि मजबूत के प्रयोजन के लिए ग्रेजिट फीमिक का परेक्षण नियम 3 में निर्दिष्ट मान्य मानक विनिर्देशों के अनुरूप है वह नियम 4 के उपनियम (2) के अधीन सूचना तथा घोषणा प्राप्त होने के बाद दिन के भीतर नियतकर्ता को यह घोषणा करते हुए प्रमाण-पत्र देगा कि परेक्षण मान्य मानक विनिर्देशों के अनुरूप है तथा निर्दिष्ट योग्य है:

परन्तु जहां अभिकरण का यह समाधान नहीं होता है वहां वह उक्त मानक विनिर्देशों के भीतर ऐसे प्रमाण-पत्र देने से इंकार कर देगा तथा ऐसे इंकार की सूचना उसके कारणों सहित देगा।

8 अपील—(1) नियम 7 के अधीन अभिकरण द्वारा प्रमाण-पत्र देने से इंकार किए जाने से व्यक्ति कोई व्यक्ति उसके द्वारा ऐसे इंकार की सूचना प्राप्त होने के दस दिन के भीतर अपील की सुनवाई के प्रयोजन के लिए केन्द्रीय सरकार द्वारा गठित विशेषज्ञों के ऐसे पैनल को जिसमें कम से कम तीन और अधिक से अधिक सात व्यक्ति होंगे, अपील करेगा।

(2) विशेषज्ञों के पैनल की कुल सदस्यता के कम से कम दो तिहाई सदस्य गैर सरकारी होंगे।

(3) विशेषज्ञों के पैनल की गणपूर्ति तीन सदस्यों से होगी।

(4) अपील प्राप्त होने के पन्द्रह दिन के भीतर निवेद दी जाएगी।

अनुसूची

नमूना लेना तथा निरीक्षण की प्रक्रिया:

लॉट निरीक्षण:—सजावट के प्रयोजन के लिए ग्रेजिट फीमिक का निरीक्षण लॉट या परेक्षण के आधार पर किया जाएगा जो मिल ने प्रस्तुत किया है।

नमूना लेना:—कुल भार के लिए न्यूनतम 2 के अधीन रहते हुए रोलो या गांठों का 10 प्रतिशत बिना तरतीब से लेना चाहिए। मानक के अनुरूप मूल्यांकन करने के लिए बिना तरतीब चुने गए रोलों या गांठों की संख्या निम्न प्रकार होगी:

प्रस्तुत लॉट या परेक्षण में दिए गए निरीक्षण के लिए, निकास तथा खोले रोलो या गांठों की संख्या जाने वाले रोलों या गांठों की संख्या

5 से 10	1
11 से 20	2
21 से 100	3
101 से 200	4
201 से अधिक	प्रत्येक 100 रोलों/गांठों या उसके भाग के लिए 4—1 अतिरिक्त रोल या गांठ।

परीक्षण नमूने: उपरोक्त चुने गए रोल गांठों में से परीक्षण

नमूना निम्न प्रकार लिया जाएगा:

परीक्षण	रोलों में से	गांठों में से
बड़ा भार, लम्बाई रोल या गांठ, छोटे टुकड़े	सभी चुने गए रोल	सभी चुनी गई गांठें
भार भारता बलदाप्ति बर्ग मी० सौरा तथा मोटी चौड़ाई फीमिक दोष	सभी चुने गए रोल	प्रत्येक चुनी गई गांठ में से 3
टूटन भार, तेल ग्रंथ	न्यूनतम 2 टुकड़ों के अधीन रहते हुए प्रत्येक रोल में से एक मी०	न्यूनतम 2 टुकड़ों के अधीन रहते हुए प्रत्येक गांठ में से एक मी०

टुकड़ा जो एक रोल के 2 सिरों में से हो सकता है यदि आवश्यक हो: से हो सकता है।

टूटन भार:

यदि लागू हो।

परीक्षण तथा निरीक्षण प्रक्रिया:—समय-समय पर विहित संशोधनों के अधीन रहते हुए हेमियन रोलो या गांठों के लिए इसका अनुमरण किया जाएगा।

उपबन्ध 2

[पैरा 1 के उप-पैरा 3 का उपखंड (क) देखिए]

खंड 1. सामान्य अपेक्षाएं:

(1) फाईबर (तनु) ऐसे फीमिकों के विनिर्माण के लिए प्रयुक्त जूट फाईबर साफ होगा, जड़ों, छाल, धब्बों तथा अन्य दोषों से मुक्त होगा तथा एक समान ही रंग का होगा।

(2) फीमिक:—फीमिक एक समान रंग का होगा। यह सामान्यतः देखने में चमकदार हल्का रंग में हल्का भूरे रंग का (सुनहला) लेकिन कभी कभी क्रेता की अपेक्षानुसार से भी हो सकता है। बुनाई की सफाई, धब्बे बनावट तथा एक सारता इन फीमिकों की अपेक्षित विशेषताएं होंगी तथा ये विशेषताएं ग्रेजिटियन क्वालिटी के साधारण जूट फीमिक की तुलना में अधिक धब्बे होंगी। फीमिक के दोनों ओर के किनारे ठोस, सीधे तथा एकसार होंगे। ऐसे फीमिकों के विनिर्माण की प्रक्रिया या निरीक्षण में रंगीन धागे तथा पैसील या रंगीन निशान प्रयोग नहीं किए जाएंगे, जब तक कि संविदा में अन्यथा विनिर्दिष्ट न हो।

(3) फिनिश: ऐसे सभी फीमिकों का निरीक्षण किया जाएगा तथा उनकी बुनाई या अन्य दोषों को दूर करने के लिए धब्बे तरह मरम्मत की जाएगी। फीमिक क्रेता की अपेक्षानुसार रोलो या टुकड़ों गांठों के रूप में बुनाई जाएगी।

(4) फीमिक लुटियां:

(क) बड़ी-बड़ी लुटियां. (फीमिक बड़े बड़े दोषों से मुक्त होगा, जैसे-

(1) विशिष्ट धुनको का निशान

(2) टुकड़े टुकड़े।

(3) थुप में खिरना।

(4) भराव धारियां।

(5) बड़े सुराख टुकड़े या चीर।

(6) दो या अधिक ससक्त धागों का न होना।

(7) लम्बाई में 3 सें०मी० से अधिक मोटी पूनी।

(सिवाय इसके की फीमिक सिखावट के लिए प्रयोग किए जाने वाले पूनी तंतु)।

(8) पिचके तथा कटे हुए किनारे।

(9) जड़े, छाल तथा धब्बे लम्बाई में एक सें०मी० से अधिक।

(10) चौड़ाई का 3 प्रतिशत अधिक गज बायस तथा स्क्यू।

(11) 5 सें०मी० से अधिक फंफूदी तेल या कोई अन्य धब्बे तथा 1 मीटर की दूरी से स्पष्ट रूप से दिखाई देने वाले हो।

(ख) छोटे दोष, फीमिक सामान्यतः निम्नलिखित दोषों से मुक्त होंगी:

(1) इकट्ठा टूटने वाला धागा।

(2) छोटे छिद्र

(3) किसी भी दिशा में 2 सें०मी० से अधिक उल्लंघन

(4) जड़ें छाल तथा धब्बों की लम्बाई का सें०मी० से कम तथा 3 मि०मी० से अधिक।

टिप्पणी:—अफीमिक की क्वालिटी सुधारने का उद्देश्य होता चाहिए ताकि फीमिक में कोई भी बड़ा या छोटा दोष न हो। किन्तु किसी भी दशा में कपड़े के प्रति 100 वर्ग मीटर में बड़े छोटे दोषों की क्रमशः संख्या 3 तथा 30 से अधिक नहीं होगी।

2. विशिष्ट प्रपेक्षाएं :

- (क) ए.बी.भार/वर्गमीटर तामीय + 5 प्रतिशत
(भार के आधार पर रोल या कतरन)
- (ख) चौड़ाई (वैयक्ति नाप) कोई भी माप विनिर्दिष्ट चौड़ाई के नीचे 0.5 सेंमी० से (या 3 प्रतिशत जो भी बड़ा हो, या विनिर्दिष्ट चौड़ाई के ऊपर 3 सेंमी० से अधिक नहीं होगी।
- (ग) ए.बी.मिरा/डि०मी० सह्यता + 2, — 1,
- (घ) ए.बी.बोटी/डि०मी० सह्यता + 2, — 1
- (ङ) ए.बी.टूटन भार (यदि संविधान में विनिर्दिष्ट है) विनिर्दिष्ट मूल्य से कम नहीं
- (च) ए.बी.तेल तत्व 2 प्रतिशत अधिकतम (भार के आधार पर शुष्क तेल रहित सामग्री)
- (छ) ए.बी.भारंता क्लेदांति 18 प्रतिशत अधिकतम
- (ज) संकुचित क्लेदांति 14 प्रतिशत

3. पैकिंग तथा चिह्नानुक्रम :

(1) सजावटी जूट फैब्रिक ऐसी रीति से पैक किया जाएगा जो श्रेता तथा विक्रेता के बीच करार पाई जाए तथा निम्नलिखित मानकों के अनुरूप होगा :

(क) रोल : एक परेक्षण में रोलों के 80 प्रतिशत में कपड़े का एक ही टुकड़ा होगा तथा प्रत्येक रोल की विनिर्दिष्ट लम्बाई — 10 प्रतिशत माप के भीतर होगी। रोल के शेष 20 प्रतिशत की लम्बाई + प्रत्येक रोल की विनिर्दिष्ट लम्बाई के + 20 प्रतिशत के भीतर होगी तथा उसमें कपड़े के टुकड़े दो से अधिक नहीं हों (एक साथ जुड़े हुए तथा सिले हुए नहीं) कपड़े का छोटा टुकड़ा 50 मीटर से कम नहीं होगा। रोल में बड़े कपड़े की लम्बाई तथा कपड़े के टुकड़े की अलग उपस्थिति को दर्शाते हुए एक टैग उस स्थान पर (दो टुकड़ों के बीच) लगा होगा जो बाहर से स्पष्ट दिखाई दे।

(ख) गांठें एक गांठ में केवल एक माध्यमिक टुकड़ा हो सकता है लेकिन लॉट में कोई भी छोटा टुकड़ा नहीं होगा।

(2) प्रत्येक पैकेज पर निम्नलिखित विशिष्टियां चिह्नित होंगी :—

- (क) सामग्री का नाम
- (ख) आकार
- (ग) प्रत्येक पैकेज में पैक किए हुए टुकड़ों की संख्या
- (घ) निर्यातकर्ता का कोड संख्यांक
- (ङ) कुल भार
- (च) निर्यातकर्ता का नाम, हस्ताक्षर, व्यापार चिन्ह या अन्य कोई पहचान चिन्ह।
- (छ) पैकेज की क्रम संख्या
- (ज) भारत या आयात करने वाले देश में प्रवृत्त विधि द्वारा प्रेषित कोई अन्य जानकारी।

[सं० 6(11)/(79-नि०नि० तथा नि०उ०]

सी० बी० कुकरेती, संयुक्त निदेशक

ORDER

S.O. 2886.—Whereas the Central Government is of opinion that in exercise of the powers conferred by section 6 of the

Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient so to do for the development of export trade of India that the Grey Jute Fabric for Decorative purpose shall be subject to inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same within forty-five days of the date of publication of this Order in the Official Gazette, to the Export Inspection Council, "World Trade Centre", 7th floor, 14/1B, Ezra Street, Calcutta-1.

PROPOSALS

(1) To notify that the Grey Jute Fabric for Decorative purpose shall be subject to inspection prior to export.

To specify the type of inspection in accordance with the Export of Grey Jute Fabric for Decorative purpose (Inspection) Rules, 1980 set out in Annexure I to this Order as the type of inspection which would be applied to such Grey Jute Fabric for Decorative purpose prior to export;

(3) To recognise :—(a) The specifications as declared by the exporter to be the agreed specification of the export contract for the Grey Jute Fabric for Decorative purpose subject to the minimum requirements as set out in Annexure II to this Order as the standard specification for Grey Jute Fabric for Decorative purpose.

(b) In the absence of any specification as mentioned above, the specification formulated by a Panel of Experts appointed by the Export Inspection Council for the purpose of examining and approving such standard specification.

(4) To prohibit the export in the course of international trade of Grey Jute Fabric for Decorative purpose unless the same is accompanied by a Certificate issued by any one of the agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that the consignment of Grey Jute Fabric for Decorative purpose satisfies the conditions relating to its inspection and is export-worthy.

2. Nothing in this Order shall apply to the export by land, sea or air of bonafide samples of the Grey Jute Fabric for Decorative purpose, the F. O. B. value of which does not exceed rupees one hundred to prospective buyers.

3. Definition :—Grey Jute Fabric for Decorative purpose means jute fabric of natural colour of different constructions and weave to be used for decorative purpose and does not include bleached and or dyed jute fabric for decorative purpose.

4. This Order shall come into force on the date of its publication in the Official Gazette.

ANNEXURE-I

[See sub-paragraph (2) paragraph (1)]

Draft rules proposed to be made under 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

1. Short title and commencement :—These rules may be called the Export of Grey Jute Fabric for Decorative Purpose (Inspection) Rules, 1980.

2. Definitions :—In these rules, unless the context otherwise requires :—(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(2) "Agency" means any one of the Agencies established by the Central Government at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Act;

(c) Grey Jute Fabric for Decorative purpose means jute fabric of natural colour of different construction and weave to be used for decorative purpose; and does not include bleached and or dyed fabric for decorative purpose.

3. Basis of Inspection :—(1) Inspection of Grey Jute Fabric for Decorative purpose for export shall be carried out with a view to seeing that Grey Jute Fabric for Decorative purpose conforms to the specifications recognised by the Central Government under section 6 of the Act (hereinafter referred to as the recognised specifications).

(2) Sampling shall be done as per the Table mentioned in the Schedule to these rules.

4. Procedure of Inspection :—(1) (a) An exporter intending to export any of the Grey Jute fabric for decorative purpose shall give intimation in writing of his intention to do so, and submit along with such intimation a declaration as to be the agreed specification stipulated in the export contract giving details of all the technical characteristics to any of the agencies to enable it to carry out the inspection in accordance with rule 3 and he shall, at the same time, endorse a copy of such intimation for inspection to the nearest office of the Council.

(b) The addresses of the Council and its Regional Offices are given below :

Head Office Export Inspection Council World Trade Centre, 7th floor, 14/1B, Ezra Street, Calcutta—700001.

Regional Offices 1. Export Inspection Council Amn Chambers, 4th floor 113, M. Karve Road—ing. Bombay—400004.

2 Export Inspection Council Municipal Market Building, 4th floor, 5, Saraswati Marg, Karol Bagh, New Delhi—110005,

3. Export Inspection Council Manohar Building, Mahatma Gandhi Road Ernakulam, Cochin—682011.

(2) Every intimation and declaration under sub-rule (1) shall reach the office of the agency not less than ten days before the expected date of shipment.

(3) Before applying for inspection the exporter shall himself inspect the goods carefully and remove all such goods which do not conform to the recognised specifications.

(4) On receipt of the intimation and declaration referred to in sub-rule (2) the agency shall inspect the consignment of the grey jute fabric for decorative purpose in accordance with rule 3 and the instructions, if any, issued by the Council on this behalf from time to time with a view to seeing that the same complies with the requirements of the standards specifications applicable thereto.

(5) After completion of inspection, the agency shall immediately seal the packages in the consignment in a manner as to ensure that the sealed goods cannot be tampered with. In case of rejection of a consignment, if the exporter so desires, the consignment may not be sealed by the Agency and in such cases however, the exporter shall not be entitled to prefer any appeal against the rejection.

5. Place of Inspection :—Inspection of grey jute fabric for decorative purpose under these rules shall be carried out either (a) at the premises of the manufacturer or (b) at the premises where the goods are offered by the exporter provided that adequate facilities for the purpose exist therein.

6. Inspection fee :—Subject to a minimum of rupees one hundred per consignment, a fee at the rate of 0.5 per cent of f. o. b. value of such consignment shall be paid by the exporter to the agency as inspection fee.

7. Certificate of Inspection :—On satisfying itself that the consignment of grey jute fabric for decorative purpose conforms to the recognised specifications referred to in rule 3, the agency shall, within seven days of the receipt of the intimation and the declaration under sub-rule (2) of the rule 4, issue a certificate to the exporter declaring that the consignment conforms to the recognised specifications and is export-worthy :

Provided, that where the agency is not so satisfied, it shall, within the said period of seven days refuse to issue such certificate and communicate such refusal to the exporter alone with the reasons thereof

8. Appeal :—(1) Any person aggrieved by the refusal of the agency to issue a certificate under rule 7, may, within ten days of the receipt of the communication of such refusal, prefer an appeal to such panel of experts consisting of not less than three persons but not more than 7 persons as may be constituted by the Central Government for the purpose of hearing appeals.

(2) At least two-thirds of the total membership of the Panel of Experts shall consist of non-officials.

(3) The quorum for the Panel of Experts shall be three members.

(4) The appeal shall be disposed of within fifteen days of its receipt.

SCHEDULE

Sampling and Inspection Procedure :

Lot Inspection : Inspection of Grey Jute Fabric for decorative purpose is to be carried out on lot or consignment basis as offered by the mill.

Sampling : For gross weight 10 per cent of the rolls or bales subject to the minimum of 2 should be taken at random.

The number of rolls or bales to be selected at random for assessment of conformity to the standard shall be as follow :

Number of rolls or bales in the lot or consignment as offered.	Number of rolls or bales to be drawn and opened for inspection.
5 to 10	1
11 to 20	2
21 to 100	3
101 to 200	4
201 to above	4+1 additional rolls or bale for every 100 rolls/bales or part thereof.

Test Samples : From the rolls or bales selected above, the test sample shall be drawn as under :

Tests	From Rolls	From Bales
Tare weight ; Length/roll or bale, short pieces	All the rolls selected.	All the bales selected
Weight /Sq. m. Ends and picks, width, Moisture Regain %	All the rolls selected	3 cuts from each bale selected
Fabric Defects		

*Breaking Load, Oil content, 1 m. piece from each roll subject to a minimum of 2 pieces which may be from the 2 ends of a roll, if necessary, 1 m. piece from each bale subject to a minimum of 2 pieces which may be from 2 different cuts in a bale;

*Breaking Load : If applicable.

Testing and Inspection Procedure :

This shall be as followed for hessian rolls or bales subject to the amendments prescribed from time to time

ANNEXURE-II

[See sub-clause (a) of Sub-paragraph 3 of Paragraph]

SCOPE 1. General Requirements :

(1) Fibre : The jute fibre used for the manufacture of such fabrics shall be clear, free from roots, barks, specks and other defects, and of uniform colour.

2. Fabric : The fabric shall be of uniform colour. It shall generally be lustrous in appearance, light of brownish (golden) in shade but sometimes may be greyish as per requirement of the buyer. The cleanliness, good texture and evenness of the weave shall be required characteristics of these fabrics and these characteristics shall be appreciably better in comparison with the normal jute fabrics, of grey hessian qualities. The selvages shall be firm, straight and uniform on both the edges of the fabric.

No coloured thread and coloured or pensil marks shall be used in the manufacturing process or inspection of such fabrics, unless otherwise specified in the contract.

(3) Finish :—All such fabrics shall be inspected and properly repaired for weaving or other defects.

No finishing process such as cropping, calendering, chesting, mangling etc. shall be done unless specifically stipulated by the buyer.

Fabrics shall be made up into rolls or cuts/bales as required by the buyer.

(4) Fabric faults :

(a) Major defects.—The fabric shall be free from major defects such as :

- (i) Prominent read Mark
- (ii) Smash
- (iii) Group float.
- (iv) Filling bar.
- (v) Big holes, cuts or tears
- (vi) Two or more contiguous threads missing
- (vii) Thick slubs exceeding 3 cm. in length (except when slubby yarns are required to be used for slubby appearance of the fabric).
- (viii) Crushed and torn selvedge.
- (ix) Boots barks and specks exceeding 1 cm in length.
- (x) Bow, Dias and skew exceeding 3 per cent of the Width.
- (xi) Mildew, oil or any other stains exceeding 5 sq. cm. and clearly visible from a distance of one metre.

(b) Minor Defects :—The fabric shall be generally free from the following defects :

- (i) Single broken yarn ;
- (ii) Small holes ;
- (iii) Snarl exceeding 2 cm. in any direction.
- (iv) Roots, barks and specks of length less than 1 cm. and more than 3 mm.

Note : The aim should be to improve the quality of fabrics so that no defects major or minor can occur in the fabrics. However, in no case the total number of major and minor defects shall exceed 3 and 30 respectively per 100 sq. m. of cloth.

2. Specific Requirements :

- (a) Av. Weight/Sq. m. : Nominal \pm 5%
(Roll or cut weight basis)
- (b) Width (Individual : No measurement shall be more than measurements) 0.5 cm. below the specified width or more than 3 cm. (or 3% whichever is greater) above the specified width.

- (c) Av. Ends/dm. : Tolerance \pm 2. —1.
- (d) Av Picks/dm. : Tolerance \pm 2. —1.
- (e) Av. Breaking Load : Not less than the specified value. (if specified in the contract).
- (f) Av. oil Content : 2% Max. (on dry deoiled material weight basis.
- (g) Av. Moisture Regain : 16% Max.
- (h) Contract Regain : 14%

3. Packing and Marking.—(1) The decorative jute fabrics shall be packed as agreed between the buyer and the seller and should conform to the following criteria :

(a) Rolls : 80 per cent of the rolls in a consignment shall contain one continuous piece of cloth and measure within 10 per cent of the specified length per roll.

The length of the remaining 20 per cent of the rolls must be within 20 per cent of the stipulated length per roll and may contain not more than two pieces of cloth (not joined or stitched together). The shorter piece of cloth must not be less than 50 metres. A tag must also be inserted at this place (separation of the two pieces) clearly visible from outside indicating the presence of a separate piece of cloth and the length of the top piece in the roll.

(b) Bales :—There may be one medium cut only in a bale but the lot should not contain any short piece.

(2) Each package shall be marked with the following particulars :—

- (a) Name of the material
- (b) Size
- (c) No. of pieces packed in each package
- (d) Code No. of exporter
- (e) Gross weight
- (f) Name, initial, Trade Mark or other identification mark of the Exporter.
- (g) Serial Number of the package.
- (h) Any other information required by the law in force in India and the importing country.

[No. 6(11)/79-EI & EP]

C. B. KUKRETI, Jt. Director

(बस्त्र विभाग)

नई दिल्ली, 26 जुलाई, 1980

का० आ० 2887 :—केन्द्रीय सरकार एम्ब्र द्वारा अधिसूचित करती है कि लोक सभा केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) की धारा 4 की उपधारा (3) के खण्ड (ग) के अनुसरण में केन्द्रीय रेशम बोर्ड के सदस्यों के रूप में कार्य करने के लिए 20 जून 1980 में लोक सभा के निम्नोक्त चार सदस्यों को निर्वाचित करती है :—

1. डा० ए० कलानिधि
2. डा० एम्. बी० चन्द्रशेखर मुनि
3. श्री शान्तिनुरीन
4. श्री जेनुल बशीर

[का० सं० 25012(19) 78-रेशम]

एल० बी० सप्तसूषि, उप-सचिव

(Department of Textiles)

New Delhi, the 26th July, 1980

S.O. 2887.—The Central Government hereby notify that the Lok Sabha has in pursuance of clause (c) of Sub-Section (3) of Section 4 of the Central Silk Board Act, 1948 (61 of 1948), elected the following four members of the Lok

Sabha with effect from 20th June, 1980 to serve as Members of the Central Silk Board :—

1. Dr. A. Kalanidhi
2. Shri M. V. Chandiashekara Murthy
3. Shri Saminuddin
4. Shri Zainul Bagher.

[F. No. 25012/19/78-Silk]
L. V. SAPTHARISHI, Dy. Secy.

मुख्य निर्यातक, आयात-निर्यात का कार्यालय
लाइसेंस रद्द करने का आदेश
नई दिल्ली, 9 अक्टूबर, 1980

का० प्रा० 2888—मरेश्वरी एलिव हाटल्स एंड इन्वेस्टमेंट्स लि० (रामदा श्री राक होटल), बैंड स्टैंड बांद्रा, सत्रई-400050 को चीनी शेष और डिजाइन की शोकरो का आयात करने के लिए लाइसेंस जारी होने की तारीख से 12 महीने के लिए वैध 50,000 रुपये मात्र के लागत सीमा भाड़ा मूल्य का एक आयात लाइसेंस सं० पी/ए/1439100/सी/एनएम-एम्स/68/एच-77, दिनांक 19-8-78 प्रदान किया गया था। पार्टी ने उपर्युक्त आयात लाइसेंस के अनुसिद्धि लाइसेंस (सीमा शुल्क और मुद्रा विनियम नियंत्रण प्रयोजन प्रति दोनों) के लिए इस आधार पर निवेदन किया है कि मूल लाइसेंस उनके द्वारा खो गया/अस्थानस्थ हो गया है। पार्टी ने आयात व्यापार नियंत्रण नियम के अनुसार आवश्यक शपथपत्र प्रस्तुत किया है जिसके अनुसार उपर्युक्त आयात लाइसेंस किसी भी सीमा-शुल्क कार्यालय के पास पंजीकृत नहीं था और उसका विलुप्त उपयोग नहीं किया गया था। लाइसेंस में बाकी बचा हुआ मूल्य 50,000 रुपये मात्र है अर्थात् पूरा मूल्य है। पार्टी ने दखन भी दिया है कि यदि बार में मूल लाइसेंस मिल जाता है या उसका पता लग जाता है तो उसे (सीमाशुल्क प्रयाजन एवं मुद्रा विनियम नियंत्रण प्रति दोनों) लाइसेंस प्राधिकारी को लौटा देगे।

2 मैं संतुष्ट हूँ कि मूल लाइसेंस (सीमा शुल्क प्रयोजन और विनियम नियंत्रण प्रयोजन प्रति दोनों) खो गया/अस्थानस्थ हो गया है और निदेश देता हूँ कि आवेदक को अनुसिद्धि लाइसेंस (सीमा शुल्क प्रयाजन और मुद्रा विनियम नियंत्रण प्रयोजन प्रति दोनों) जारी किया जाना चाहिए। मूल लाइसेंस की सीमा-शुल्क प्रयाजन और मुद्रा विनियम नियंत्रण प्रयोजन प्रतिपत्रद्वारा रद्द की जाती है।

[मिसिल सं० 12/1085/77-78/एम०एल०-1/800]

बी० मलिक, उप-मुख्य निर्यातक, आयात-निर्यात
हुते मुख्य निर्यातक, आयात-निर्यात

Office of the Chief Controller of Imports and Exports

CANCELLATION ORDER

New Delhi, the 9th October, 1980

S.O. 2888.—M/s. Elal Hotels & Investments Limited, (Ramada Sea Rock Hotel), Band Stand, Bandra, Bombay-400050, were granted an import licence No. PA-1439100 C/XX/68/H/77 dated 19-8-78 for a c.i.f. value of Rs. 50,000 only for import of Crockery of Chinese shape and design valid for 12 months from the date of issue. The party has applied for grant of Duplicate licence (both Custom purpose and Exchange Control copies) for the aforesaid import licence on the ground that the original licence has been lost/misplaced by them. The party has furnished necessary affidavit as per I.T.C. rules, according to which the aforesaid import licence was not registered with any customs house and was not utilised at all. The balance left in the licence is Rs. 50,000 only i.e. full value. Party has also undertaken to return to the licensing authority the original licence (both custom purpose and exchange control copies) if the same is traced or found later on.

2. I am satisfied that the original licence (both Custom purpose and Exchange Control copies) has been lost/mis-

placed and direct that Duplicate licence (both Custom Purpose and Exchange Control copies) should be issued to the applicant. The Custom Purpose and Exchange Control copies of the original licence are hereby cancelled.

[File No. 12/1085/77-78/ML-I/800]

B. MULLICK, Dy., Chief Controller of Imports & Exports
For Chief Controller of Imports & Exports

संयुक्त मुख्य निर्यातक, आयात-निर्यात का कार्यालय

आदेश

मद्रास, 22 सितम्बर 1980

का० प्रा० 2889—मरेश्वरी प्रेजिडेंसी किड लेदर प्राइवेट लिमिटेड, 232 एन०एस० सी० बॉय रोड, बाये म्यूचुअल बिल्डिंग्स, मद्रास-1 को जनवरी मार्च 1976 तिमाही के दौरान निर्यात किए गए फिनिश लेदर के मद्दे, पथनटोल लिक्विड अन्टिमोल पार्श्व वाइटीफीकेशन् आदि का आयात करने के लिए रुपए 1,33,131 का लाइसेंस पी०/के०/2781360/सी/एक्स एक्स 60/एम/43-44 दिनांक 31-7-76 जारी किया गया था। लाइसेंसधारी ने उक्त लाइसेंस की मुद्रा विनियम नियंत्रण प्रति की अनुसिद्धि प्रति जारी करने के लिए आवेदन इंगतिव किया है कि उक्त लाइसेंस उनके बैंकर्स द्वारा खोई गई है। मिक काए 2,31,012 तक का माल की निर्यातों के लिए अनुसिद्धि प्रति जारी करने के लिए शब्दित किया है। उन्होंने यह भी कहा कि इस लाइसेंस का मद्रास के सीमाशुल्क सदन में पंजीकृत किया गया है।

अपने तर्कों के समर्थन में आवेदक ने एक शपथ पत्र भी दाखिल किया है। अग्रदृष्टाक्षरी इस बात में संतुष्ट है कि लाइसेंस संख्या पी/के/2781360/सी/एक्सएक्स/60/एम/43-44 दिनांक 31-7-76 का मुद्रा विनियम नियंत्रण की मूल प्रति खोई गई है और आदेश देता है कि आवेदन का उपर्युक्त लाइसेंस की मुद्रा विनियम नियंत्रण की अनुसिद्धि प्रति जारी किया जाए। लाइसेंस की मूल प्रति एमद्वारा रद्द किया जाता है।

मुद्रा विनियम नियंत्रण की अनुसिद्धि संख्या डी० 2464786 दिनांक 16-9-80 अलग जारी किया गया है।

[संख्या : एलआर-70 सीए 91 1-76-मार्ईपी-1]

एम० नरसिंहन, उप-मुख्य निर्यातक, आयात तथा निर्यात
हुते संयुक्त मुख्य निर्यातक, आयात तथा निर्यात।

Office of the Deputy Chief Controller of Imports & Exports

ORDER

Madras, the 22nd September, 1980

S.O. 2889.—M/s. Presidency Kid Leather (P) Ltd., 232 N.S.C. Bose Road, Bombay Mutual Buildings, Madras-1, were granted the licence No. P/K/2781360/C/XX/60/M-43-44 dated 31-7-76 for Rs. 4,33,131 for Import Preventol Liquid Antimol Para Nitro Phenol etc. against their exports of Finished leather for the quarter January-March 76. They have requested to issue of a duplicate copy of the exchange control copy of the same which is said to be lost by their bankers. They have further stated that the duplicate copy of licence is required for Rs. 2,31,012 for clearance of goods. They have also stated that the licence has been registered with Customs House, Madras.

In support of their contention the applicant have filed an affidavit. The undersigned is satisfied that the original copy of the Exchange Control Copy of licence No. P/K/2781360-C XX/60/M/43-44 dated 31-7-76 has been lost and directs that a duplicate copy of the said licence be issued to them. The original copy of licence of the licensee is hereby cancelled.

A duplicate Exchange Control Copy of licence No : D 2464786 dated 16-9-80 has been issued separately.

[F. No. LR/70/CA/91]1-76[REP-I]

S. NARASIMHAN, Dy. Chief Controller of Imports & for Jt. Chief Controller of Imports and Exports.

पेट्रोलियम रसायन और उर्वरक मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 30 सितम्बर, 1980

कां० प्रा० 2890.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना कां० प्रा० सं० 2228 तारीख 30-5-79 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना प्रासंग्य घोषित कर दिया था।

और यतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी संयोजी से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कूप नं० एस०डी०बी० से जी०जी०एस० कम सी०टी०एफ० सोभासन राज्य : गुजरात जिला और तालुका : मेहसाणा

गांव	सर्वेक्षण	हेक्टेयर	मुआटई	सेंटियर
पुनासन	440	0	16	44
	83	0	07	00
	कार्ट ट्रैक	0	00	60
	85	0	00	84
	132	0	03	12
	133	0	07	20
	94	0	06	00
	126	0	05	16
	368	0	05	04
	375	0	07	80
	384	0	04	32
	385	0	04	68
	388	0	03	48
	391	0	06	64
	390	0	05	76
	429	0	21	36

[सं० 12016/28/79-प्र०]

MINISTRY OF PETROLEUM, CHEMICALS & FERTILIZERS

(Department of Petroleum)

New Delhi, the 30th September, 1980

NOTIFICATION

S.O. 2890.—Whereas by a notification of the Government of India in the Ministry of Petroleum, S.O. No. 2228 dated 30-5-79 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And further, whereas the Central Government has, after section (1) of Section 6 of the said Act, submitted report to the Government;

And further, whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further, in exercise of power conferred by Sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Well No. S.D.D. to GGS-cum-CTF Sobhasan				
State : Gujarat	Dist. : Mehsana	Taluka : Mehsana		
Village	Survey No.	Hec-tare	Are	Cent-tiare
Punasan	440	0	16	44
	83	0	07	00
	Cart Track	0	00	60
	85	0	00	84
	133	0	03	12
	126	0	07	20
	94	0	06	00
	128	0	05	16
	368	0	05	04
	375	0	07	80
	384	0	04	32
	385	0	04	68
	388	0	03	48
	391	0	05	64
	390	0	05	76
	429	0	21	36

[No. 12016/28/79-Prod.]

कां० प्रा० 2891:—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय, (पेट्रोलियम विभाग) की अधिसूचना कां० प्रा० सं० 1614 तारीख 24-5-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना प्रासंग्य घोषित कर दिया था।

और यतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यत केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्णय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इन अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेष्टित है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सती सयंत्रों में भुक्त रूप में, बोधना के प्रकाशन की इस तारीख को निश्चित होगा।

अनुसूची

डी०एम०सी०बी० में डी०एम०-24 तक पाइप लाइन बिछाने के लिए.

राज्य-गुजरात	जिला-खेडा	तालुका-खम्भात		
गाँव	सर्वे नं०	हेक्टेयर	ए. आर. सी. सेटीयर	
नेत्रा	288	0	57	64
	सरकारी जमीन	0	05	20
	109	0	16	96
	110	0	11	33
	112	0	18	39
	101	0	35	35
	कार्ट ट्रैक	0	00	52
	86	0	14	00
	87	0	16	25
	89	0	35	54

[सं० 12016/28/80-प्रो०]

S.O. 2891.—Whereas by a notification of the Government of India in the Ministry of Petroleum, S.O. No. 1614 dated

24-5-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further, whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further, in exercise of power conferred by Sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

R.O.U. for Laying Pipeline from D.S. CBB to DS-24				
State : Gujarat		District : Kaira		Taluka : Cambay
Village	Survey No.	Hec-tare	Are	Centiare
Neja	288	0	57	64
	Govt. land	0	05	20
	109	0	16	96
	110	0	11	33
	112	0	18	39
	101	0	35	35
	Cart-track	0	00	52
	86	0	14	00
	87	0	16	25
	89	0	35	54

[No.12016/28/80-Prod.]

सूचि-पत्र

नई दिल्ली, 3 अक्टूबर, 1980

का० प्रा० 2892.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के अन्तर्गत भारत सरकार, पेट्रोलियम, रसायन और उर्वरक मन्त्रालय (पेट्रोलियम विभाग) द्वारा जारी अधिसूचना का० प्रा० सं० 897 संख्या 12020/3/80-(प्रो०) दिनांक 19-3-80 के संलग्न अनुसूची में भारत सरकार के राजपत्र के भाग-II खंड 3, उपखण्ड-ii दिनांक 5-4-80 के पृष्ठ सं० 996-1000 में प्रकाशित नट्सील मधुरा, जिला मधुरा, राज्य उत्तर प्रदेश के लिये —

के स्थान पर						पृष्ठ		
ग्राम	मधुरा नट्सील खसरा नं०	हेक्टेयर	मधुरा जिला गेयर	बर्ग मी०	खसरा नं०	उत्तर प्रदेश हेक्टेयर	गेयर	बर्ग मी०
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
ग्राम बाद	929	0	00	81	939	0	00	81
	3440	0	01	62	3430	0	01	62
ग्राम गिरधरपुर	53	0	00	81	65	0	00	81

[अम० सं० 12020/3/80 प्रो०]

ERRATUM

New Delhi, the 3rd October, 1980

S.O. 2892.—In the Schedule appended to the notification of the Government of India, Ministry of Petroleum, Chemicals and Fertilizers (Department of Petroleum S.O. No. 897 No. 12020/3/80 Prod. dated 19th March 1980 issued under Sub-section (i) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) published at pages 996-1000 dated 5th April 1980 of the Gazette of India, Part II—Section—3 Sub-section (ii) for Tahsil Mathura Dist. Mathura of Uttar Pradesh.

For		Read					
Village Bad	Tahsil Mathura	Dist.	Mathura	Uttar Pradesh			
Khasra No.	H	A	Sq. Mtrs.	Khasra No.	H	A	Sq. Mtrs
929	0	00	81	939	0	00	81
3440	0	01	62	3430	0	01	62
Village Girdharpur							
53	0	00	81	65	0	00	81

[(No. 12020/3/80—Prod.)]

का० आ० 2893:—यतः पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 1171 तारीख 9-4-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इंडियन आयल कारपोरेशन लि० में सभी बाधाओं से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची				
तहसील : मालपुरा	जिला : टोंक	राज्य : राजस्थान		
ग्राम	खसरा नं०	क्षेत्रफल		
		हे०	ऐ०	वर्ग-मीटर
1	2	3	4	5
मोटोली	957/2	0	20	23
	265/2	0	11	38
	644	0	03	79
	652	0	13	91
	654	0	02	53
कुराड	1033/3	0	02	53
	1033/4/1	0	02	53

1	2	3	4	5
	1033/4/2	0	02	53
	1033/1/3	0	11	38
	912	0	21	50
पथेवर	2454	0	05	06
किरावल	1102/5	0	60	70

[सं० 12020/4/80-प्र०]

किरण चट्टा, अवर सचिव

S.O. 2893.—Whereas by a notification of Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum) S.O. 1171 dated 9-4-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further, in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Malpura	District : Tonk	State : Rajasthan			
Village	Khasra No.	Area			
		H.	A.	Sq.	M
Atoli	957/2	0	20	23	
	265/2	0	11	38	
	644	0	03	79	
	652	0	13	91	
	654	0	02	53	

1	2	3	4	5
Kirad	1033/3	0	02	53
	1033/4/1	0	02	53
	1033/4/2	0	02	53
	1033/4/3	0	11	38
	912	0	21	50
Pachewar	2454	0	05	06
Kirawal	1102/5	0	60	70

[No. 12020/4/80-Prod.]

KIRAN CHADHA, Under Secy.

रसायन और उर्वरक विभाग

नई दिल्ली, 6 अक्टूबर, 1980

क्र० आ० 2894.—सार्वजनिक परिमर (आवाधिकृत दखलकारों को वेदपत्र करना) अधिनियम, 1971 (1971 का 40) की धारा 3 में प्रदत्त अधिकारों का प्रयोग करते हुए सरकार भूतपूर्व न्याय और उर्वरक मंत्रालय की भारत सरकार की अधिसूचना सं० एफ० आ० 4761 दिनांक 20 अक्टूबर, 1975 में निम्नलिखित आगामी संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की तालिका के लिए निम्नलिखित तालिका प्रतिस्थापित की जाती है अर्थात् :—

तालिका

उप प्रवन्धक (प्रशासन), नंगल फैक्टरी और उसकी टाऊनशिप के लिए नेशनल फर्टिलाइजर्स लि०, नेशनल फर्टिलाइजर्स लि० की ओर से नंगल यूनिट, नया नंगल अथवा उनके द्वारा पट्टे पर ली गई अथवा सम्बन्धित परिमर.

[फाइल संख्या—100(8)/80-एफ० डी० सी०]
के० पी० श्रीवास्तव, उप-सचिव

(Department of Chemicals and Fertilizers)

New Delhi, the 6th October, 1980

S.O.2894—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Chemicals and Fertilizers No. S.O. 4761 dated the 20th October, 1975, namely :—

In the said notification, for the Table, the following Table shall be substituted, namely :—

TABLE

Designation of the Officer	Categories of the public premises and local limits of jurisdiction
The Deputy Manager (Administration), National Fertilizers Limited, Nangal Unit, Naya Nangal.	Premises belonging to or taken on lease by or on behalf of the National Fertilizers Limited for the Nangal Factory and its township."

[F. No. 100(8)/80-FDC]
K. P. SRIVASTAVA, Dy. Secy.

कृषि और सिंचाई मंत्रालय

(खाद्य विभाग)

प्रादेश

नई दिल्ली 30 सितम्बर 1980

क्र० आ० 2895.—अतः केन्द्रीय सरकार ने खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाप्ति निदेशालयों और खाद्य विभाग के वेतन तथा लेखा कार्यालयों द्वारा किए जाने वाले खाद्यान्नों के क्रय, भण्डारण, संचालन, परिवहन, वितरण तथा विषय के कृत्यों का पालन करना बन्द कर दिया है जो कि खाद्य निगम अधिनियम, 1964 (1964 का 37) की धारा 13 के अधीन भारतीय खाद्य निगम के कृत्य हैं।

और यतः खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाप्ति निदेशालयों और खाद्य विभाग के वेतन तथा लेखा कार्यालयों में कार्य कर रहे और उपरिर्णित कृत्यों के पालन में लगे निम्नलिखित अधिकारियों और कर्मचारियों ने केन्द्रीय सरकार के तारीख 16 अप्रैल 1971 के परिपत्र के प्रत्युत्तर में उसमें विनिर्दिष्ट तारीख के अन्तर्गत भारतीय खाद्य निगम के कर्मचारी बनने के अपने आशय को उक्त अधिनियम की धारा 12ए की उपधारा (1) के परन्तुक द्वारा यथा अपेक्षित सूचना नहीं दी है।

अतः अतः खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा अद्यतन संशोधित की धारा 12ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित कर्मचारियों को प्रत्येक सामने दी गई तारीख से भारतीय खाद्य निगम में स्थानान्तरित करती है :—

क्रम अधिकारी/कर्मचारियों संख्या का नाम	केन्द्रीय सरकार के अधीन स्थायी पद	स्थानान्तरण के समय केन्द्रीय सरकार के अधीन पद	भारतीय खाद्य निगम की स्थानान्तरण की तारीख
1	2	3	4
1. श्री उमा शंकर शर्मा मुमुक्षु श्री गंगा धर शर्मा	—	वाचमैन	1-3-69
2. श्री नरपत सिंह गुप्ता श्री बालो सिंह	—	गुण निरीक्षक	1-3-69
3. श्री पी० डी० शर्मा	कनिष्ठ गोदाम रक्षक	गुण निरीक्षक	1-3-69
4. श्री एस्० टी० जाधव	—	जैड टैक्समैन	1-3-69
5. श्री जी० एस० मानी मुमुक्षु श्री शिव नाथ मानी	—	गोदाम निषिक	1-3-69

[सं० 52/1/79-एफ० सी० III (वाल्यूम 6)]

MINISTRY OF AGRICULTURE

(Department of Food)

ORDER

New Delhi, the 30th September, 1980

S.O.2895—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directorates of Food, the procurement Directors and the Pay & Accounts Offices of the Department of Food which under Section 13 of Food Corporations Act, 1964 (37 of 1964) are the functions of the Food Corporation of India.

And, whereas the following officers and employees serving in the Department of Food, the Regional Directorate of Food the procurement Directorates and the Pay & Accounts Offices of the Department of Food and engaged in the performance of the functions mentioned above have not in response to the circular of the Central Government dated the 16th April, 1971 intimated, within the date specified therein, their intention of not becoming employees of the Food Corporation of India as required by the proviso to sub-section (I) of Section 12-A of the said Act;

Now, therefore, in exercise of the powers conferred by Section 12-A of the Food Corporations Act, 1964 (37 of 1964) as amended upto date the Central Government hereby transfer the following officers and employees to the Food Corporation of India with effect from the date mentioned against each of them.

S. No.	Name of the officer/employees	Permanent post held under the Central Govt.	Post held under the Central Govt. at the time of transfer	Date of transfer to F.C.I.
1	2	3	4	5
1.	Shri Uma Shankar Sharma S/o Shri Ganga Dhar Sharma.	—	Watchman	1-3-69
2.	Shri Narpat Singh S/o Shri Bali Singh.	—	Quality Inspector.	1-3-69
3.	Shri P. D. Sharma	Senior Godown Keeper.	Quality Inspector.	1-3-69
4.	Shri S. T. Jadhav	—	Shed Tallyman	1-3-69
5.	Shri G. S. Mani S/o Shri Shiva Nath Mani.	—	Godown Clerk	1-3-69

[No. 52/1/79-FCIII (Vol. VI)]

शुद्धि-पत्र

का० प्रा० 2896 :—इस विभाग के आदेश संख्या 52/21/68 एफ० सी० 3 (एल जेड)/वाल्सूम-6 दिनांक 11-6-74 में निम्नलिखित शुद्धियों की जाएं :—

स्थानांतरण आदेश में क्रम संख्या	की जाने वाली शुद्धियाँ
537	कालम 4 में "बही" के स्थान पर "कनिष्ठ गोदाम रक्षक" पढ़ें।
538	कालम 4 में "बही" के स्थान पर "कनिष्ठ गोदाम रक्षक" पढ़ें।

[संख्या 52/1/79-एफ० सी० 3 (वाल्सूम-6)]

बबशी राम, उप-सचिव

CORRIGENDUM

S.O.2896—In this Department's Order No. 52/21/68/FCIII. (NZ)/Vol. VI dated 11-6-74, the following corrections shall be carried out :

Sl. No. in the Transfer Order	Correction to be carried out
537	For the words "do" in column 4, read "Senior Godown Keeper".

538

For the words "do" in column 4, read "Junior Godown Keeper".

[No. 52/1/79-F.C.III (Vol. VI)]

BAKHSI RAM, Dty. Secy.

दिल्ली विकास प्राधिकरण

नई दिल्ली, 25 अक्टूबर, 1980

सार्वजनिक सूचना

का० प्रा० 2897 :—केन्द्रीय सरकार दिल्ली मुख्य योजना में निम्न-लिखित संशोधन करने का विचार कर रही है। एतद्वारा जिसे सार्वजनिक सूचना हेतु प्रकाशित किया जाता है। इस संशोधन के सम्बन्ध में जिस किसी व्यक्ति को कोई आपत्ति या सुझाव देना हो तो वे अपने आपत्ति या सुझाव इस सूचना के 30 दिन के भीतर सचिव, दिल्ली विकास प्राधिकरण, मुख्य योजना अनुभाग, 10वीं मंजिल, विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली के पास लिखित रूप में भेज दें। जो व्यक्ति अपनी आपत्ति या सुझाव दें, वे अपना नाम एवं पूरा पता लिखें।

संशोधन :

"क्षेत्र जी-8 (राजौरी गार्डन) में स्थित "मनोरंजनात्मक" उपयोग हेतु विनिर्दिष्ट भूमि में से 1.257 हेक्टे० (3.106 एकड़) भूमि का उपयोग "सार्वजनिक एवं अर्ध-सार्वजनिक सुविधाएं" (नाम्ना-निक) में परिवर्तित किया जाना प्रस्तावित है।"

2. शनिवार को छोड़कर और सभी कार्यशील दिनों में दि०वि०प्रा० के कार्यालय, (मुख्य योजना अनुभाग) 10वीं मंजिल, विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली में उक्त अधि के दौरान प्रस्तावित संशोधन का मालाचित्र निरीक्षण हेतु उपलब्ध होगा।

[संख्या एफ०-3(113)/78-एम०पी०]

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 25th October, 1980

PUBLIC NOTICE

S.O. 2897.—The following modification which the Central Govt. proposes to make to the Master Plan for Delhi is hereby published for public information. Any person having any objection or suggestion with respect to the proposed modification may send his objection or suggestion in writing to the Secretary, Delhi Development Authority, Master Plan Section, 10th Floor, Vikas Minar, Indraprastha Estate, New Delhi, within a period of thirty days from the date of this notice. The person making the objection or suggestion should also give his name and full address.

MODIFICATION :

"The land use of an area measuring about 1.257 hectrs. (3.106 acres) situated in Zone G-8 (Rajouri Garden), out of the land earmarked for 'recreational' use, is proposed to be changed to 'Public & Semi- Public Facilities' (Institutional)."

2. The plan indicating the proposed modification will be available for inspection at the office of the Authority, (Master Plan Section), 10th Floor, Vikas Minar, Indraprastha Estate, New Delhi, on all working days except Saturdays, within the period referred to above.

[No. F. 3(113)/78-MP]

सार्वजनिक सूचना

का० प्रा० 2898 :—केन्द्रीय सरकार दिल्ली मुख्य योजना में निम्नलिखित संशोधन करने का विचार कर रही है। एतद्वारा जिसे सार्वजनिक सूचना हेतु प्रकाशित किया जाता है। इन संशोधनों के सम्बन्ध में जिस किसी व्यक्ति को कोई आपत्ति या सुझाव देना हो तो वे अपने आपत्ति/सुझाव इस सूचना

के 30 दिन के भीतर सचिव, दिल्ली विकास प्राधिकरण, अनुभाग, 10 वीं मंजिल, विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली के पास लिखित रूप में भेज दें। जो व्यक्ति अपनी आपत्ति या सुझाव दें, वे अपना नाम एवं पूरा पता लिखें।

संशोधन।

(1) क्षेत्र डी-9 (सेंट्रल विस्ट जोन) में पड़ने वाली भूमि जिसका माप 3.66 हेक्टे० (9.00 एकड़) है तथा जिसे भूखंड सं० 115 के रूप में जाना जाता है और जो पश्चिम में 36.57 मी० चौड़े पट्टन पल्ल मार्ग से, दक्षिण पूर्व में लोक सभा भवन से तथा पूर्व में 60.96 मी० चौड़े तालकटोरा मार्ग से घिरी है का भूमि उपयोग "राजकीय" से "मनोरंजनात्मक" में परिवर्तित किया जाना प्रस्तावित है।

(2) क्षेत्र डी-9 (सेंट्रल विस्ट जोन) में पड़ने वाली भूमि जिसका माप 3.76 हेक्टे० (9.25 एकड़) है तथा जिसे भूखंड सं० 36 के रूप में जाना जाता है और जो उत्तर पश्चिम में 18.25 मी० मार्ग, दक्षिण पूर्व में 18.68 मी० मार्ग तथा पूर्व में 30.48 मी० हेस्टिंग मार्ग से घिरी है का भूमि उपयोग "राजकीय" से "मनोरंजनात्मक" में परिवर्तित किया जाना प्रस्तावित है।

2. शनिवार को छोड़कर और सभी कार्यशील दिनों में दि० बि० प्रा० के कार्यालय (मुख्य योजना अनुभाग) 10 वीं मंजिल, विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली में उक्त अधि के दौरान प्रस्तावित संशोधनों का मासिक निरीक्षण हेतु उपलब्ध होगा।

[स० एक 20(12)/79 एम० पी०]

श्री० के० मल्होत्रा सचिव, दिल्ली विकास प्राधिकरण

PUBLIC NOTICE

S.O. 2898.—The following modifications which the Central Government proposes to make to the Master Plan for Delhi are hereby published for public information. Any person having any objection or suggestion with respect to the proposed modifications may send his objection or suggestion in writing to the Secretary, Delhi Development Authority, Master Plan Section, 10th Floor, Vikas Minar, I. P. Estate, New Delhi, within a period of thirty days from the date of this notice. The person making the objection or suggestion should also give his name and full address:

MODIFICATIONS:

(i) "The land use of an area known as Plot No. 115 measuring 3.66 hec. (9.00 acres), falling in Zone D-9 (Central Vista Zone), bounded by 36.57 M. wide Pandit Pant Marg on the west, Lok Sabha Bhawan on the south-east and 60.96 M. wide Talkatora Road on the east, is proposed to be changed from 'Governmental' to 'Recreational'."

(ii) "The land use of an area known as Plot No. 36 measuring 3.76 hec. (9.25 acres), falling in Zone D-9 (Central Vista Zone) and bounded by 18.25 M. road on the north-west, 18.68 M. road on the south-east and 30.48 M. Hastings Road on the east, is proposed to be changed from 'Governmental' to 'Recreational'."

2. The plan indicating the proposed modifications will be available for inspection at the office of the Authority (Master Plan Section), 10th Floor, Vikas Minar, Indraprastha Estate, New Delhi, on all working days except Saturdays within the period referred to above.

B. K. MALHOTRA, Secy.
Delhi Development Authority

[No. F. 20(12)/79-MP]

रेल मंत्रालय (रेलवे बोर्ड)

नई दिल्ली, 16 सितम्बर, 1980

क्र० आ० 2899 भारतीय रेल अधिनियम, 1890 (1890 का 9) की धारा 147-क द्वारा प्रबल शक्तियों का प्रयोग करके हुए, केन्द्रीय सरकार एतद्वारा उक्त अधिनियम की दिनाय अनुसूची में निम्नलिखित वस्तुएं जोड़ती है, अर्थात्:—

"परीक्षा प्रश्नपत्र"

[स० टी० सी० II/2425/80]

के० बालाचन्द्रन, सचिव, रेलवे बोर्ड एवं
सरकार के परित संयुक्त सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 16th September, 1980

S.O. 2899.—In exercise of the powers conferred by Section 147A of the Indian Railways Act, 1890 (9 of 1890), the Central Government hereby adds to the Second Schedule of the said Act, the following articles, namely:—
"Examination Question Papers."

[No. TCH/2425/80]

K. BALACHANDRAN, Secy., Railway Board,
ex-Officio Jt. Secy.

अरब मंत्रालय

प्रादेश

नई दिल्ली, 25 जुलाई, 1980

क्र० आ० 2900—केन्द्रीय सरकार की राय है कि हमसे उपाखंड अनुसूची में विनिर्दिष्ट विषय के बारे में तेल और प्राकृतिक गैस आयोग, बड़ौदा के प्रबन्ध से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रबल शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री आर० सी० इसरानी होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णय के लिए निर्देशित करती है।

अनुसूची

तेल और प्राकृतिक गैस आयोग क्षेत्रीय कार्यालय, बड़ौदा के प्रबंधन की, श्री ए० आर० जादव की सेवा 16 मई, 1978 से समाप्त करने की कार्यवाही न्यायनिर्णय है? यदि नहीं, तो कर्मकार किम अनुयोग का हकदार है?

[स० एक-30012/1/80-डी-iii (बी)]

MINISTRY OF LABOUR

ORDER

New Delhi, the 25th July, 1980

S.O. 2900.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Oil & Natural Gas Commission, Baroda and their workman in respect of the matter specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Govt. hereby constitutes an Industrial Tribunal of which Shri R. C. Prani shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

प्रावेश

"Whether the action of the management of Oil & Natural Gas Commission regional office, Baroda in terminating the services of Shri L. R. Jadav with effect from 16th May, 1978 is legal and justified? If not, to what relief is the workman entitled?"

[No. I-30012/1/80-D.III. B]

A. K. ROY, Under Secy.

प्रावेश

नई दिल्ली 19 मितम्बर, 1980

का० अ० 2901—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में श्री बजरंगलाल पाडिया, स्वामी जशीपुर चाटना क्ले माइन्स के प्रबन्धनत्व से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है,

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एम० बी० गंगा राजू होंगे, जिनका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

"क्या श्री बजरंगलाल पाडिया, स्वामी जशीपुर चाटना क्ले माइन्स, डाकघर जशीपुर, जिला मयूरभंज, उड़ीसा राज्य के प्रबन्धनत्व की खान के कृषिक, श्री भीम चरण महन्तो की सेवाओं को 1-2-1980 से समाप्त करने की कार्यवाही विधिपूर्ण और न्यायोचित है ? यदि नहीं तो वह किस अनुतोप का हकदार है ?"

[संख्या एल-29011/41/80-डी० III की]

ORDER

New Delhi, the 19th September, 1980

S.O. 2901.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Shri Bajranglal Padia, Owner of Jashipur China Clay Mines and their workmen in respect of the matter specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. V. Gangaraju shall be the Presiding Officer, with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Shri Bajranglal Padia, Owner of Jashipur China Clay Mines P. O. Jashipur, District Mayurbhanj, Orissa State in terminating the services of Shri Bhim Charan Mahanto, Clerk of the mine from 1-2-1980 is legal and justified? If not, to what relief is he entitled?"

[No. I-29011/41/80-D.III. B.]

नई दिल्ली, 19 मितम्बर 1980

का० अ० 2902—मैमर्स बिहार स्टेट मिनरल डिवेलपमेंट कारपोरेशन लिमिटेड की साफी अन्नक खान डाकघर शुमरिनैया, जिला हजारीबाग के प्रबन्धनत्व से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व धातुत्पादक खान श्रमिक संघ करती है, एक औद्योगिक विवाद विद्यमान है

और उक्त नियोजकों और कर्मकारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद का उमर्गे वणित व्यक्ति के माध्यम से लिए निर्देशित करने का करार कर लिया है और उक्त करार की एक प्रति केन्द्रीय सरकार को उपलब्ध कराई गई है ;

अतः, अब, उक्त अधिनियम की धारा 10-क की उपधारा (3) के अनुसरण में, केन्द्रीय सरकार उक्त करार को प्रकाशित करती है ।

(करार)

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन) पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व करने वाले

1. श्री डी० के० मिश्र,
परियोजना अधिकारी, मैमर्स बिहार स्टेट
मिनरल डिवेलपमेंट कारपोरेशन लिमिटेड
की साफी अन्नक खान, डाकघर शुमरिनैया
जिला हजारीबाग ।

कर्मकारों का प्रतिनिधित्व करने वाले

1. श्री एम० एन० महाय,
महामंत्री
धातुत्पादक खान श्रमिक संघ (इंटक)
डाकघर कोबरमा, जिला हजारीबाग ।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को श्री एम० बी० मिश्र, महायक थम प्रायुक्त (केन्द्रीय), हजारीबाग के माध्यम से लिए निर्देशित करने का करार किया गया है ।

1. विनिर्दिष्ट विवाद घन विषय

"क्या मैमर्स बिहार स्टेट मिनरल डिवेलपमेंट निगम लिमिटेड में की साफी अन्नक खान के श्रमिकों की वर्तमान मजदूरी दरों में प्रतिव्यक्ति प्रति दिन 00 10 10 (दस पैसे) की वृद्धि की मांग इस सत्य को देखते हुए न्यायोचित है कि अन्नक खानों के श्रमिक की मजदूरी दरें कोबरमा अन्नक खान एसोसिएशन और उनके कर्मकारों, जिनका प्रतिनिधित्व धातुत्पादक खान श्रमिक संघ करती है, के बीच हुए पिछले संराधन समझौते में पहले ही निर्धारित की जा चुकी है । यदि हाँ, तो कर्मकार किस अनुतोप का हकदार है ?"

2. विवाद के पक्षकारों का विवरण, मैमर्स बिहार स्टेट मिनरल निगम प्रवर्तित स्थापित या उपक्ष डिवेलपमेंट निगम लिमिटेड का नाम और पता भी सम्मिलित है ।

की राज होटल, राखी की साफी अन्नक खान, डाकघर शुमरिनैया, जिला हजारीबाग के प्रबन्धनत्व ।

3. यदि कोई संघ कर्मकारों का प्रतिनिधित्व करता हो तो उसका नाम । धातुत्पादक खान श्रमिक संघ (इंटक), डाकघर कोबरमा, जिला हजारीबाग ।

4. प्रभावित उपक्रम में नियोजित कर्मचारों की कुल संख्या 305
5. प्रभावित कर्मचारों की प्राकृतिक संख्या 180

हम यह करार भी करते हैं कि माध्यम्य का वित्तियय हम पर आबन्धन कर होगा।

माध्यम्य श्रमिका पंचाट भारत के राजपत्र में इस करार के प्रकाशन की तारीख से तीन मास की कालावधि या इससे अधिक समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा कराया जाय, देगा। यदि पूर्ण वणिज कालावधि के भीतर पंचाट नहीं दिया जाता तो माध्यम्यन के लिए निवेश स्वतः रद्द हो जाएगा और हम नए माध्यम्यन के लिए बातचीत करने को स्वतंत्र होंगे।

पक्षकारों के हस्ताक्षर

नियोजकों का प्रतिनिधित्व करने वाले कर्मचारों का प्रतिनिधित्व करने वाले

हो/-	हो/-
डी० के० सिंह, 25-7-80	एम० एन० सहाय,
परियोजना अधिकारी।	महामंत्री
	धातुत्पादक श्रान्ध श्रमिक मन्त्र।
मे विभाजक बनने के लिये सहमत हूँ।	हो -
	एम० बी० सिंह, 25-7-80
	सहायक श्रमायुक्त (केन्द्रीय)
	हजारीबाग

साक्षी

1. हो/- (प्राप्त्य) 25-7-80
2. हो/- (प्राप्त्य) 25-7-80

[सं० एन-28013/80-डी-III बी]

ORDER

New Delhi, the 10th October, 1980

S.O. 2902.—Whereas an industrial dispute exists between the employers in relation to the management of Saphi Mica Mine of M/s. Bihar State Mineral Development Corporation Limited, P. O. Jhumritalaiya, District Hazaribagh and their workmen represented by Metalliferous Mine Workers Association;

And, whereas the said employers and workmen have, by a written agreement in pursuance of the provisions of the sub-section (1) of section 10-A of the Industrial Disputes Act, 1947, agreed to refer the said dispute to arbitration by the person specified therein and a copy of the said agreement has been made available to the Central Government;

Now, therefore, in pursuance of sub-section (3) of section 10-A of the said Act, the Central Government hereby publishes the said Agreement.

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act, 1947) Between

Name of the Parties :—

Representing Employers :—

Shri D. K. Singh,
Project Officer,
Saphi Mica Mine of M/s. Bihar State Mineral Development Corporation Ltd.,
P.O. Jhumritalaiya,
District Hazaribagh.

Representing Workmen :—

Shri S. N. Sahai,
General Secretary, Metalliferous Mine Workers Association (INTUC)
P. O. Kodarma, District Hazaribagh.

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri S. B. Singh, Assistant Labour Commissioner (Central), Hazaribagh.

(i) Specific matter in dispute :—

"Whether the demand of the workmen of Saphi Mica Mine of M/s. Bihar State Mineral Development Corpn. Limited for increase in the rates of wages @ 00.10 P. (Ten Paise) per day per head over the existing rates of wages is justified in view of the fact that the wages of the workmen of Mica Mines have already been fixed in the last conciliation settlement between the Kodarma Mica Mining Association and the workmen represented by the Metalliferous Mine Workers Association ?

If so, to what relief the workmen are entitled ?"

(ii) details of the parties to the dispute including the name and address of the establishment of undertaking involved :—

The management of Saphi Mica Mine, P.O. Jhumritalaiya, District Hazaribagh of M/s. Bihar State Mineral Development Corporation Ltd., Raj Hotel, Ranchi.

(iii) Name of the Union representing the workmen :— Metalliferous Mine Workers Association (INTUC), P. O. Kodarma, District Hazaribagh.

(iv) Total No. of the workmen employed in the undertaking affected 305

(v) Estimated No. of workmen affected 180

We further agree that the decision of the arbitrator will be binding on us.

The arbitrator shall make his award within a period of three months from the date of the publication of this agreement in the official gazette by the Govt. of India or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitrator shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties :

(1) Representing Employers—Sd/- D. K. Singh 25-7-80
Project Officer.

(2) Representing the workmen—Sd/- S. N. Sahai General Secretary, Metalliferous Mine Workers Assn.

I consent to be arbitrator.

Sd/- S. B. Singh 25-7-80 Asst. Labour Commissioner (Central) Hazaribagh.

Witness :—

1. Sd/- (Illegible) 25-7-80

2. Sd/- (Illegible) 25-7-80

[No. L-28013/1/80-D III. B]

प्रवेश

नई दिल्ली, 13 अक्टूबर 1980

का० प्रा० 2903—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में नैमर्त एम० एल० एण्ड कम्पनी द्वारा की गई जलिंग गंगाकोटा आयरन माइन्स के प्रबंधन से सम्बन्धित एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बाध्यता समझती है ;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के क्लॉड (७) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक औद्योगिक अधिनियम गठित करती है जिसके संघर्षीय अधिकारी श्री एम० बी० गंगाराज होंगे, जिनका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त औद्योगिक अधिनियम की न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या मैसर्स. एम. लाल एण्ड कंपनी लि. की जिल्लिंग लोंगलोट आयरन माइन्स के प्रबंधन द्वारा की भर्त महुली, वाटर कैरियर को 7-9-79 से रोजगार देने से इनकार करना न्यायोचित है ? यदि नहीं, तो वह किस अनुसूची का हकदार है।

[सं० एन-26011/13/80-डी० III (बी)]

एन० के० राय अवर सचिव

ORDER

New Delhi, the 13th October, 1980

S.O. 2903.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Jilling Longlota Iron Mines of M/s. S. Lal & Co. Barbil and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A. and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. V. Gangaraju shall be the Presiding Officer, with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether denial of employment to Shri Bharat Mahanto, Water Carrier by the management of Jilling Longlota Iron Mines of M/s. S. Lal & Co. Ltd. from 7-9-79 is justified ? If not, to what relief is he entitled ?"

[No L-26011/13/80-D.III.B]

A. K. ROY, Under Secy.

आदेश

नई दिल्ली, 10 सितम्बर, 1980

क्र० ए० 2904.— केन्द्रीय सरकार की राय है कि इससे उपाध्व अनुसूची में विनिर्दिष्ट विषय के बारे में स्टेट बैंक आफ़ ट्रावन्कोर के प्रबंधन से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठस्थान अधिकारी श्री टी० सुन्दरमनम हेनियल होंगे जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या स्टेट बैंक आफ़ ट्रावन्कोर, मुख्यालय, त्रिवेन्द्रम-695001 के प्रबंधन की थी एन० संसिधरन, कौकीवार की सेवा का 23-10-79 से समाप्त करने की कार्यवाही न्यायोचित है ? यदि नहीं तो संबंधित कर्मकार किस अनुसूची का हकदार है ?

[सं० एन-12012(83)/80-डी० II]

एन० के० विस्वाल, डेस्क अधिकारी

ORDER

New Delhi, the 10th September, 1980

S.O. 2904.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of State Bank of Travancore and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A. and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Sundarasabam Daniel shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of State Bank of Travancore, Head Office, Trivandrum-695001 in terminating the services of Shri N. Sasidharan, Watchman with effect from 23-10-79 is justified ? If not, to what relief is the workman concerned entitled ?"

[No. L-12012(83)/80-D II A]

S. K. BISWAS, Desk Officer

New Delhi, the 8th October, 1980

S.O. 2905.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the management of the Grindlays Bank Limited, Calcutta and their workmen, which was received by the Central Government on the 3rd October, 1980.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA**

Reference No. 20 of 1978

PARTIES :

Employers in relation to the management of Grindlays Bank Ltd., Calcutta

And

Their Workmen.

APPEARANCES :

On behalf of Employers—Mr. Dipak Dey, Advocate.

On behalf of Workmen—Mr. Ajit Banerjee, General Secretary, Bengal Provincial Bank Employees Association, representing National and Grindlays Bank Employees Association, Gauhati Branch.

STATE : Assam

INDUSTRY : Banking

AWARD

By Order No. 1-12011/53/77-D.II. A dated 13th February, 1978, the Govt. of India, Ministry of Labour, has referred under Section 10 of the Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to the management of Grindlays Bank Ltd., Calcutta and their workmen, to this Tribunal for adjudication which reads as :

"Whether the proposed action of the management of Grindlays Bank Ltd., in discontinuing payment of temporary emergency allowance in respect of their workmen employed in Gauhati Branch with effect from 1-11-76 is legal and justified ? If not, to what relief are these workmen entitled ?"

2. When the matter is taken up, I find that a joint petition of compromise has been filed by the management of Grindlays Bank Ltd. and National and Grindlays Bank Employees Association, Gauhati Branch. The petition is signed by the Operation Manager, Eastern India on behalf of the Bank and by the Secretary of Bengal Provincial Bank Employees Association duly authorised by the National and Grindlays Bank Employees Association, Gauhati Branch. I have heard Mr. Dipak Dey, learned Advocate appearing on behalf of the Bank and Mr. A. K. Banerjee, General Secretary of the Bengal Provincial Bank Employees Association appearing on behalf of the National and Grindlays Bank Employees

Association, Gauhati Branch. I have also gone through the petition and Annexures A & B attached to the joint petition. In Annexures A & B there are terms in respect of Assam Allowance and the terms appear to be the same. The Union in this case before me is affiliated to All India Bank Employees Association. Annexure A is a memorandum of settlement dated 21st April, 1980 between the Indian Banks Association on the one hand and All India Bank Employees Association and National Confederation of Bank Employees on the other. The accepted terms in respect of Assam allowance being the same in both the Annexures, it is prayed by the parties before me that the joint petition of compromise with Annexure A alone may be the basis of award. There is no necessity for mentioning Annexure B which will be redundant.

3. I find that the terms of compromise are reasonable and legal and as prayed for by the parties. I pass an award on the same terms mentioned in the joint petition of compromise and the terms regarding Assam allowance mentioned in Annexure A attached thereto which shall form part hereof.

I thus pass the award.

Dated : Calcutta, the 23rd September, 1980.

R. BHATTACHARYA, Presiding Officer

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL CALCUTTA.

Reference No. 20 of 1978

Employers in relation to the Management of Grindlays
Bank Ltd.

Vs.

Its Workmen.

We hereby authorise Sri Dipak Dey, Advocate to represent us in the case before the Presiding Officer, Central Government Industrial Tribunal, Calcutta and to do all other acts and things, sign petitions etc., on our behalf.

Sd/- Illegible,

Grindlays Bank Ltd.,

Operations Manager Eastern India

BEFORE THE PRESIDING OFFICER CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL
CALCUTTA

Reference No. 20 of 1978

Employers in relation to the Management of Grindlays
Bank Ltd.

Vs.

Its Workmen.

The humble joint petition of the Management and Union,
the petitioners abovenamed—

Most respectfully sheweth—

1. Your petitioners state and contend that the hearing of the above matter was held at Gauhati on September 10, 1979.

2. Your petitioners further state and contend that the dispute with regard to the Assam Allowance has been amicably settled by and between the Indian Banks Association, representing the Management and All India Banks Employees Association, the National Confederation of the Banks Employees and Indian National Bank Employees Congress representing the Workmen outside the Tribunal.

3. The terms and conditions of the said settlement are recorded in the Memorandum of Settlements dated April 21, 1980 and July 15, 1980. Your petitioners crave leave to refer to the said original Memorandum of Settlements at the time of hearing of this application, if necessary.

4. Your petitioners submit that an Award should be passed disposing of the reference pending before the Learned Tribunal on the Terms and conditions recorded in the said Memorandum

of Settlements. A copy of the said Memorandum of Settlements are annexed hereto and marked with the letter A & B.

5. Your petitioners further state and submit that an award be passed in accordance with the Memorandum of Settlements.

Your petitioners, therefore, humbly pray your Honour for an order that—

(a) An order be made awarding the terms of settlements made by and between the parties as recorded in annexures A & B to the petition.

(b) Such further or other orders be made and or directions be given as your Honour may deem fit and proper.

And for this act of kindness your petitioners as in duty bound shall ever pray.

Operations Manager

Sd/- Illegible

Eastern India.

(Sd/- and address illegible)

ANNEXURE 'A'

Memorandum of Settlement dated 21st April, 1980 between
Indian Banks' Association and All India Bank Employees'
Association and National Confederation of Bank Employees

Name of the parties

: 58 Banks

Representing the Employers

: 1. Shri K. Venkatachari

2. Shri N. Vaghul

On behalf of the Indian
Banks' Association.

Representing the workmen

: 1. Shri D. P. Chaddha

2. Shri K. K. Mandul

3. Shri Prabhat Kar

4. Shri Tarakeswar Chakraborty

5. Shri N. Sampath

On behalf of All India
Bank Employees' Association.

1. Shri O. P. Gupta

2. Shri C. L. Rajaratnam

3. Shri C. R. Chandrasekaran

4. Shri N. C. Choudhury

On behalf of National
Confederation of Bank
Employees.

Preamble.—Whereas the Goa Allowance and Assam Allowances paid/payable to the workmen were under discussion between the parties during the Bipartite negotiations.

And whereas there are cases also pending before Tribunals in respect of these allowances.

It is now agreed by and between the parties as under :—

(1) Goa Allowance :

(a) Till 31st August, 1978 Goa Allowance will be payable to all employees in all banks which were paying Goa Allowance at the rates obtaining in the respective Banks

(b) From 1st September, 1978—

(i) CCA would be payable in the urban agglomeration of Panaji and Marmugao.

(ii) HRA will be payable in accordance with Bipartite Settlement at the places in Goa eligible for the same.

(iii) In respect of employees covered by

(a) above and who continued to be in Goa as on the date of this Settlement, if the aggregate of the HRA and CCA falls short of the Goa Allowance payable to them, such shortfall will be continued to be paid to them from time to time as Goa Allowance.

(2) Assam Allowance :

(a) All employees who were working prior to 31st March, 1980 in the Banks where Assam Allowance (by any name) was being paid, the Assam Allowance will be paid till 31st March, 1980 at the respective rates.

(b) From 1st April, 1980 those employees will continue to draw the allowance at the same rates.

(c) In all other cases, in all banks, the allowance will be paid at a flat rate of Rs. 10 from 1st April, 1980.

(d) It is understood that Assam Allowance shall be paid as per clauses (a), (b) and (c) above in other States, viz. Manipur, Tripura, Nagaland, Meghalaya, Arunachal Pradesh and Mizoram where the said allowance (by any name) was being paid till special area Allowances payable in these areas are settled in respect of workmen in these areas.

In respect of the proceedings now pending before the Tribunal in respect of 'Goa Allowance' and 'Assam Allowance', this agreement will be submitted to the respective Tribunals with the request for a 'Consent Award' on these terms

FOR INDIAN BANKS' ASSOCIATION

K. Venkatachari Sd/-

N. Vaghul Sd/-

FOR ALL INDIA BANK EMPLOYEES' ASSOCIATION

D. P. Chadha Sd/-

Tarakeswar Chakraborty Sd/-

FOR NATIONAL CONFEDERATION OF BANK EMPLOYEES

C. L. Rajaratnam Sd/-

C. R. Chandrasekaran Sd/-

WITNESSES :

Sd/-

1. M. Ram Mohan Rao

Sd/-

2. N. Sampath.

Sd/-

3. R. Sivagyanam.

Copy to :

1. Conciliation Officer (Central) Madras.

2. Regional Labour Commissioner (Central) Madras.

3. Ch. Labour Comm. (Cent) New Delhi.

4. The Secretary to the Government of India.

Dated : April 21, 1980.

Place : Madras.

[No. L. 12011/53/77-DIIA]

S.O. 2906.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta, in the industrial dispute

between the employers in relation to the management of Central Bank of India, Calcutta and their workmen, which was received by the Central Government on the 30th September, 1980.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : CALCUTTA

Reference No. 24 of 1978

PARTIES :

Employers in relation to the management of Central Bank of India, Calcutta,

AND

Their Workmen

APPEARANCES :

On behalf of Employers—Mr. Dipak Dey, Advocate.

On behalf of Workmen—Mr. Sarat Das, General Secretary, Assam State Central Bank Employees Association, Gauhati.

State : Assam

Industry : Banking

AWARD

This reference under Section 10 of the Industrial Disputes Act, 1947 was sent by the Government of India, Ministry of Labour by their Order No. L-12011/55/77-D.I.I.A dated 15/25th February, 1978, to this Tribunal for adjudication. The dispute referred to in the Schedule to the Order of Reference reads :

"Whether the proposed action of the management of Central Bank of India in discontinuing payment of Assam emergency allowance in respect of their workmen employed in North Eastern Region with effect from 1-11-1976 is proper and justified? If not to what relief are these workmen entitled?"

2. When the matter is taken up, I find that a joint petition of compromise on behalf of the management of Central Bank of India and Assam State Central Bank Employees Association, Gauhati has been filed. I have heard Mr. Sarat Das, General Secretary of the Union and Mr. Dipak Dey, learned Advocate appearing on behalf of the Central Bank of India. I have also gone through the contents of the joint petition of compromise. Their prayer is that an award may be passed in terms of the joint petition of compromise along with Annexure "A" attached thereto. I find that the terms of settlement are reasonable and legal.

3. In the circumstances, I pass an award as prayed for on the basis of the statements made in the joint petition of compromise and in terms of the relevant portion of the memorandum of settlement dated 21st April, 1980 between the Indian Bank Association and All India Bank Employees Association and National Confederation of Bank Employees attached to the joint petition of compromise, marked Annexure "A" and in particular term no. 2 mentioned therein in respect of Assam allowance. The said joint petition of compromise with the attached copy of the settlement referred to and marked Annexure A shall form part of this award.

4. As it is a case of compromise I do not pass any order as to costs. But on the submission of the General Secretary of Union, a signatory to the compromise, I understand that he has come to Calcutta for signing the petition of compromise and will be back to Assam to-morrow by train and as such his prayer is that he may be allowed special leave with pay for his absence from duty in the bank for to-day, to-morrow and the day after to-morrow when he will be reaching Gauhati. I find that his presence at this Tribunal is essential for the compromise. I therefore direct that the proper authority of the Central Bank of India shall grant special leave for these three days with pay.

The award is accordingly passed.

Dated, Calcutta, The 23rd September, 1980

R. BHATTACHARYA, Presiding, Officer

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

Reference No. 24 of 1978

Employers in relation to the Management of Central Bank
of India

VS.

Its Workmen

The humble joint petition of the Management and Union,
the petitioners abovenamed—

Most respectfully sheweth—

1. Your petitioners state and contend that the hearing of
the above matter was held at Gauhati on September 10, 1979.

2. Your petitioners further state and contend that the dis-
pute with regard to the Assam Allowance has been amicably
settled by and between the Indian Banks Association, represent-
ing the Management and All India Banks Employees
Association, the National Confederation of the Banks Em-
ployees and Indian National Bank Employees Congress re-
presenting the Workmen outside the Tribunal.

3. The terms and conditions of the said settlement are
recorded in the Memorandum of Settlements dated April
21, 1980 and

1980. Your petitioners crave leave to refer to the said
original Memorandum of Settlements at the time of hearing
of this application, if necessary.

Sd/-

4. Your petitioners submit that an Award should be passed
disposing of the reference pending before the Learned
Tribunal on the Terms and conditions recorded in the said
Memorandum of Settlements. A copy of the said
Memorandum of Settlements are annexed hereto and marked
with the letter "A".

5. Your petitioners further state and submit that an award
be passed in accordance with the Memorandum of Settle-
ments.

Your petitioners, therefore, humbly pray your Honour
for an order that—

(a) An order be made awarding the terms of settlements
made by and between the parties as recorded in
Annexure "A" to the petition.

(b) Such further or other orders be made and or directions
be given as your Honour may deem fit and proper;

And for this act of kindness your petitioners as in duty
bound shall ever pray.

ANNEXURE 'A'

**'Memorandum of settlement dated 21st April, 1980 between
Indian Banks' Association and All India Bank Employees'
Association and National Confederation of Bank Employees.**

Name of the parties : 58 Banks

Representing the Employers :

1. Shri K. Venkatachari
2. Shri N. Vaghul

On behalf of the Indian Bank Association.

Representing the Workmen :

1. Shri D. P. Chadha
2. Shri K. K. Mandal
3. Shri Prabhat Kar
4. Shri Tarakeswar Chakraborty
5. Shri N. Sampath

On behalf of All India Bank Employees' Association.

1. Shri O. P. Gupta
2. Shri C. L. Rajaratnam
3. Shri C. R. Chandrasekaran
4. Shri N. C. Choudhury

On behalf of National Confederation of Bank Employees.
Preamble : Whereas the Goa Allowance and Assam Allow-
ances paid/payable to the workmen were under discussion
between the parties during the Bipartite negotiations

And whereas there are cases also pending before Tribunals
in respect of these allowances

It is now agreed by and between the parties as under :—

(1) Goa Allowances

(a) Till 31-8-1978 Goa Allowance will be payable to
all employees in all banks which were paying Goa
Allowance at the rates obtaining in the respective
Banks.

(b) From 1-9-1978—

(i) CCA would be payable in the urban agglomeratio
of Panaji and Marmugao

(ii) HRA will be payable in accordance with Bipartite
Settlement at the places in Goa eligible for the
same.

(iii) In respect of employees covered by

(a) above and who continue to be in Goa as on
the date of this Settlement, if the aggregate
of the HRA and CCA falls short of the Goa
Allowance payable to them, such short fall
will be continued to be paid to them from time
to time as Goa Allowance.

(2) Assam Allowance

(a) All employees who were working prior to 31-3-1980
in the Banks where Assam Allowance (by any name)
was being paid, the Assam Allowance will be paid
till 31-3-1980 at the respective rates.

(b) From 1-4-1980 those employees will continue to
draw the allowance at the same rates.

(c) In all other cases, in all banks, the allowance will
be paid at a flat rate of Rs. 10 from 1-4-1980.

(d) It is understood that Assam Allowance shall be
paid as per clauses (a) (b) & (c) above in other
States, viz. Manipur, Tripura, Nagaland, Meghalaya,
Arunachal Pradesh & Mizoram where the said
allowance (by any name) was being paid till special
area Allowances payable in these areas are settled
in respect of workmen in these areas.

In respect of the proceedings now pending before Tribunals
in respect of 'Goa Allowance' and 'Assam Allowance', this
agreement will be submitted to the respective Tribunals with
the request for a 'Consent Award' these terms.

For Indian Banks' Association

K. VENKATACHARI Sd/-

N. VAGHUL Sd/-

FOR ALL INDIA BANK EMPLOYEES ASSOCIATION.

Sd/-

D. P. CHADHA

Sd/-

TARAKESWAR CHAKRABORTY

FOR NATIONAL CONFEDERATION OF BANK EMPLOYEES

Sd -
C. I. Rajaratnam

Sd/-
C. R. Chandrasekaran

Witnesses :

- | | |
|---------------------|------|
| 1. M. Ram Mohan Rao | Sd/- |
| 2. N. Sampath | Sd/- |
| 3. R. Sivagyanam | Sd/- |

Dated : April 21, 1980.

Place : Madras.

Copy to :

1. Conciliation Officer (Central), Madras.
2. Regional Labour Commissioner (Central), Madras.
3. Chief Labour Commissioner (Central), New Delhi.
4. The Secretary to the Government of India, Ministry of Labour, New Delhi.

[No. L-12011/55/77-D.II.A]

S.O. 2907.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Central Coalfields Limited, Darbhanga House, Ranchi, Post Office and District Ranchi and their workmen, which was received by the Central Government on the 30th September, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 21 of 1978

PARTIES :

Employers in relation to the management of Central Coalfields Limited, Darbhanga House, Ranchi, Post Office and District Ranchi.

AND

Their Workmen.

PRESENT :

Mr. Justice B. K. Ray, Presiding Officer.

APPEARANCES :

For the Employers.—Shri T. P. Choudhury, Advocate
For the Workmen.—Shri S. Roy, Advocate

STATE : Bihar. INDUSTRY : Coal.
Dhanbad, the 26th September, 1980

AWARD

By Order No. L-20012/89/77-D. III(A) dated the 21st August, 1978, the Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Central Coalfields Ltd., Darbhanga House, Ranchi, Post Office and District Ranchi and their workmen in respect of the matter specified in the schedule attached to the order, has referred the dispute to this Tribunal for adjudication. The schedule to the order reads thus:

"Keeping in view the National Coal Wage Agreement dated the 11th December, 1974, whether the demand of the workmen of the Central Coalfields Limited, Darbhanga House, Post Office and District Ranchi

for inclusion of underground allowance while computing payment of overtime allowance, and wages during earned leave and sick leave, with effect from the 1st January, 1975, is justified? If not, to what relief are the said workmen entitled?"

2. After notice to the parties they have filed their respective written statement and rejoinders.

The case of the workmen as made out in their written statement and rejoinder is that the rate of underground allowance has been fixed by the National Coal Wage Agreement dated 11th December 1974, that by the same agreement it has been held that the underground allowance shall be treated as wages, that under Sec. 53 of Mines Act, 1952 underground allowance is to be included while computing wages during earned leave period, that the management of Central Coalfields Ltd. considered the question of payment of underground allowance and agreed that underground allowance would be taken into consideration for calculating wages for earned leave, festival holiday, sick leave and overtime payment with effect from 1-4-1978 vide Circular No. PD/ID/UG/Allowance/76/77 dated 5-6-1978, that the non-inclusion of underground allowance while calculating wages for earned leave, sick leave, overtime allowance by the management of Central Coalfields Ltd. prior to 1-4-1978 and with effect from 1-1-1975 is illegal and unjustified, that the management which is a Public Sector company in violation of provisions of Payment of Wages Act, 1936 and of Mines Act, 1952 illegally did not include underground allowance while computing leave wages, sick leave wages and overtime wages between 1-1-1975 and 1-4-1978, that subsequently when they become conscious of the illegal action they included underground allowance while calculating leave wages, sick leave wages and overtime wages with effect from 1-4-1978, that after Mazumdar Award which was confirmed by L.A.T. underground allowance came under the mischief of the definition of "wages" in Sec. 2(vi) of the Payment of Wages Act and so being part of wages it was to be automatically included in calculation of leave wages, overtime wages and wages during sick period, and that it is not correct to say that the National Coal Wage Agreement of 11-12-1974 maintained the status quo regarding payment of underground allowance.

The case of the company is as follows. For the first time the right to get underground allowance was acknowledged by All India Industrial Tribunal (Colliery disputes), Calcutta commonly known as Mazumdar Award. By the award it was held that the nature of work underground being different from the nature of work on the surface, workers working underground would be entitled to underground allowance. Such allowance as per the award was fixed at 12 per cent of the basic wages subject to a minimum of Rs. 12 per month. This became operative both in the market collieries as well as in the state collieries which subsequently became a part of the National Coal Development Corporation Ltd. It is this Corporation which subsequently became known as Central Coalfields Ltd. Underground allowance also became subject-matter of the Wage Board recommendations in which the employees were entitled to underground allowance at 5 per cent of the basic wages subject to a maximum of Rs. 25 per month. The annual increment of 1 per cent of the underground allowance recommended by Wage Board was neither accepted by Central Government nor was allowed by the employers. The National Coal Wage Agreement is the result of Joint Bipartite negotiation between the owners of coal mines and their workmen at the national level and it came into force with effect from 1-1-1975. The agreement laid down that underground allowance would be payable at the rate of 7 per cent of the basic wages from 1-1-1975, at the rate of 8 per cent of basic wages from 1-1-1976, at the rate of 10 per cent of the basic wages from 1-1-1977 subject to maximum of Rs. 80 per month. In para 4.3 the agreement however provided that underground allowance shall be treated as wages as hitherto. For the collieries taken over by National Coal Development Corporation underground allowance was never included for the purpose of earned leave wages, sick leave wages and overtime allowance. Besides underground allowance was admissible only for the days when the concerned workman was going underground and not otherwise. After nationalisation of coking coal mines in 1972 and of non-coking coal mines in 1973 coal industry was re-organised. Since the collieries of National Coal Development Corporation located in Maharashtra and M.P. were transferred to Western Coalfields Ltd. and those in Orissa, in Sidhi District of M.P. in Ranchi, Hazaribagh, Giridi and Palamou districts of Bihar formed a part of Central Division of Coal Mines,

Authority Ltd. When the Coal Mines Authority was replaced by Coal India Ltd. the holding company further re-organised the Coal Industry with effect from 1-11-75. The National Coal Development Corporation/Central Division of Coal Mines Authority Ltd. was re-named as Central Coalfields Ltd. and became a subsidiary company of the holding company (Coal India Ltd.) alongwith B.C.C.L., Eastern Coalfields Ltd., Western Coalfields Ltd., Central Mining Plan and Designs Institute Ltd. While implementing Coal Wage Board recommendations regarding pay structure with effect from 15-8-1967 the monthly rated employees of erstwhile N.C.D.C. were given option to accept Wage Board pay structures. Accordingly these employees opted for the same. Neither Mazumdar Award nor L.A.T. said that underground allowance shall be computed for calculation of earned leave wages, sick leave wages and overtime wages. In the Wage Board recommendations nothing also was said about this. When discussions were going on for wage revision at the national level through the Joint Bipartite Wage negotiation Committee during the period 1973-74 this aspect of the matter was considered and with a view to bring about uniformity regarding payment of underground allowance a Sub-Committee was constituted by the Joint Bipartite Committee. According to the recommendation of the said Sub-Committee underground allowance was to be considered only for calculation of earned leave wages, sick leave wages and overtime wages. But when the National Coal Wage Agreement was finalised this was deleted and in para 4.3 of the Agreement it was stated that underground allowance shall be treated as wages as hitherto. In these circumstances the company asserts that the claim of the workmen in the present reference is not justified.

3. At the time of hearing only one witness for the union and one for the company have been examined. MW-1 says that there is no provision in the National Coal Wage Agreement that in case of dispute regarding interpretation of any of the clauses of the Agreement the same would be referred to Joint Bipartite Committee as provided therein. The witness further says that no Joint Committee ever functioned and when the union made a demand regarding the present dispute to the company the latter never intimated that the same could be referred to the Joint Bipartite Committee for decision. The dispute according to the witness does not relate any interpretation of any of the clause of agreement. The evidence of the company to the effect that Mr. Kalyan Roy, Mr. Chaturanan Mishra and Mr. K. G. Srivastava representing A.I.T.U.C. to which the union raising the present dispute is affiliated were members of the Joint Committee is denied by the witness. In course of cross-examination the witness pleads his ignorance if Mr. O. Mahapati was the Secretary of the Joint Committee and if any dispute was referred to the Joint Committee and was decided. The witness also pleads ignorance of the fact that Mr. P. S. Murthy MW-1 was the Secretary of the Joint Committee under the second agreement.

MW-1 the only witness for the company says that in August 1968 he was the General Manager (Personnel) in the Central Coalfields Ltd., Ranchi. He joined the erstwhile N.C.D.C. Ltd. in November 1963 as Group Personnel Officer in Madhya Pradesh. Thereafter he was promoted in February, 1969 as Senior Personnel Officer. He was transferred in that capacity to the Head Office at Ranchi in March, 1969 and posted as Additional Chief Personnel Officer. After three years he became Chief Personnel Officer. He was promoted as General Manager (Personnel) in May 1977 and thereafter he was appointed in October 1978 as Director (Personnel). He held the post till he retired in June, 1980. According to this witness the name of N.C.D.C. was changed to Central Division of Coal Mines Authority Ltd. in 1973. After nationalisation of non-coking coal mines and from 1-11-1975 the name of the company was changed to Central Coalfields Ltd. which is a subsidiary of Coal India Ltd. In N.C.D.C. the witness asserts underground allowance was being paid to a worker when he was going inside the mine. This was not being taken into account for the purpose of calculating leave wages, holiday wages, sick leave wages and overtime wages. No change was brought about in this position from 1-1-1975 when the National Coal Wage Agreement-I was brought into force and status quo was maintained. National Coal Wage Agreement-I was the result of negotiation conducted by Joint Bipartite Committee of the Coal Industry. The witness claims that he was connected with that and was also a member alternative to Managing Director. According to MW-1 the union which has raised the dispute is affiliated with A.I.T.U.C. which was

represented in the Committee through S/Shri K. G. Srivastava, Kalyan Roy, Chaturanan Mishra. This witness asserts that there is provision in the agreement to the effect that if there is any anomaly or difficulty in interpreting any of the clauses of agreement the same will be referred to a Bipartite Committee. The witness further says that the subject matter of the present dispute was never raised before the Committee. National Coal Wage Agreement-I was re-placed by National Coal Wage Agreement-II dated 1-1-1979 as a result of negotiation by Joint Bipartite Committee for coal industry as per the evidence of MW-1. The witness claims that he was the member of Bipartite Committee for the coal industry. The witness was member Secretary of the Committee from September 1978 till 30-6-1980 when he retired. Clause 6.4.1 of National Coal Wage Agreement-II as per evidence of MW-1 provides that underground allowance will be taken into account for computation of leave wages, sick leave wages, overtime wages etc. This provision was made in course of negotiation which resulted in second agreement. It is also deposed by this witness that A.I.T.U.C. did not raise any question regarding payment of arrear for the period commencing from the date when 1st agreement came into force upto the date of enforcement of second agreement. Before the second agreement was brought into force according to the evidence of MW-1 information was collected regarding practice prevailing in different collieries regarding inclusion of underground allowance while computing leave wages, sick leave wages, and overtime wages. After collecting information the witness goes on to say that a decision was arrived at to include underground allowance while calculating leave wages, sick leave wages and overtime wages even before the second agreement was brought into force according to the evidence effect to from 1-4-1978. According to this decision underground allowance was taken into consideration for festival holiday also. The evidence of the witness further disclose that in National Coal Wage Agreement-II there is also a provision for constitution of a standardisation Committee for going into anomaly in service conditions, for going into question of benefits to workers etc. The witness claims that he was the convenor of the Committee.

This is all the evidence led by the parties.

4. In course of argument Mr. T. P. Choudhury for the management invites my attention to the language used in the reference and contends rightly that the claim of the workmen is entirely based on the National Coal Wage Agreement No. 1 which came into force on 1-1-1975. The claim, therefore, according to Mr. T. P. Choudhury for management cannot be independently considered. The 1st part of it says that while deciding the dispute National Coal Wage Agreement dated 11-12-74 should be kept in view.

The demand of the workmen as appears from the language used in the reference is for taking into account underground allowance while calculating earned leave wages, sick leave wages and overtime wages with effect from 1-11-1975. It is, therefore, clear that the concerned workmen make their demand on the basis of National Coal Wage Agreement which was signed on 11-12-1974, the demand being with effect from 1-1-1975. In this view, therefore, it is to be seen as to whether National Coal Wage Agreement of 1974 has made provision for inclusion of underground allowance while calculating overtime wages, earned leave wages and sick leave wages. Reference at this stage may be made to paras 6, 9 to 12 of the written statement of the management. According to the averments in the written statement of the employer underground allowance was the subject matter of the Wage Board recommendations under which the employees became entitled to underground allowance at the rate of 5 per cent of their basic wages subject to maximum of Rs. 25 per month. Then came National Coal Wage Agreement which was the result of Joint Bipartite negotiation between the owners of coal mines and their workmen. This came into force on 1-1-1975. In para 4.1 and 4.2 of the agreement it has been stated that employers working underground will be paid underground allowance at the rate 10 per cent of the revised basic value ceiling of Rs. 80 per month and that underground allowance should be payable as per the condition stipulated under Mazumdar Award and L.A.T. Award. After saying so in para 4.3 of the agreement it has been stated that underground allowance shall

be treated as wages as hitherto. It is not disputed that so far as Mazumdar Award and L.A.T Award are concerned they do not say that underground allowance shall be taken into consideration for the purpose of fixing leave wages, sick leave wages and overtime wages. Wage Board recommendations which also dealt with the question of payment of underground allowance is silent about this. As has been pointed out earlier the National Coal Wage Agreement which is the result of negotiation between the owners of the coal mines and their workmen at the national level does not indicate as to whether underground allowance shall be taken into consideration for the purpose of determining leave wages, sick leave wages and overtime wages. Only in para 4.3 it has been stated that underground allowance shall be treated as wages as hitherto. It has been clearly pleaded by the management that when negotiations were going on which resulted in National Coal Mines Agreement at one stage a Sub-Committee was formed to decide the question as to whether underground allowance shall be treated as wages shall be computed for the purpose of calculating leave wages, sick leave wages and overtime wages. This Committee it is stated in the written statement decided to treat underground allowance as wages for the purpose of calculating leave wages, sick leave wages and overtime wages. But this decision of the Sub-Committee has not ultimately accepted and therefore the same was not incorporated in the agreement itself. In place of the said decision of the sub-committee para 4.3 of the agreement said that underground allowance shall be treated as wages as hitherto. Much controversy is raised over the interpretation of this para in the agreement. According to the union this para means that underground allowance shall be treated as wages for all purposes whereas, according to the management, it means that the practice obtaining in only those collieries where underground allowance used to be treated as wages for the purpose of calculating leave wages, sick leave wages and overtime wages will be allowed to continue, and that in other collieries where such practice was not prevailing underground allowance will not be treated as wages for any purpose. After hearing Mr. S. Roy for the union and Mr. T. P. Choudhury for the management at length on this point I have no hesitation in my mind to accept the interpretation of para 4.3 of the Agreement as given by the management. The word "hitherto" used in the said para is very significant. If it was meant that underground allowance will be treated as wages for all purposes there was no necessity to use the word "hitherto". The word "hitherto", means that status one prevailing on the date of agreement is to stand. That being so the contention of the union that under the agreement underground allowance is to be treated as wages for all purposes is bound to be rejected. Further in this connection reference may be made to para 9.3 of the agreement. This para provides that in case of any doubt or difficulty in interpreting or implementing any of the provisions of the agreement the same shall be referred to a Joint Committee for coal industry for consideration and final decision. It is urged on behalf of the management if the union objected to the interpretation of the word "hitherto" used in para 4.3 of the agreement it was open to it to take recourse to para 9.3 of the agreement and to refer the dispute to the Joint Committee. The union however comes forward with a case that even inspite of provisions contained in para 9.3 of the agreement no Joint Committee ever came into existence. Therefore, the question of referring the dispute to a non-existing Committee could not be said to have arisen. WW-1 in his evidence asserts that there was no such Committee. On the other hand the evidence of the management is to the contrary. MW-1 is an officer of a very high rank and has since retired. In his deposition he states that the Joint Committee as provided in para 9.3 of the agreement was constituted and it functioned. This witness has been associated with the management for a long period and there is nothing to disbelieve his testimony to this effect. I prefer the evidence of MW-1 to the evidence of WW-1 on the point and hold that the Joint Committee did function under para 9.3 of the Agreement. Upon this conclusion it follows that if really the union objected to interpretation of the word "hitherto" in para 4.3 of the agreement it was open to it to refer the matter to the Joint Committee. That the union did not do. In support of the union's contention it has been stated by WW-1 that when the union presented the demand to the management the latter did not ask the union to approach the Joint Committee. Therefore, the argument is

that if such a committee was really functioning the management could have asked the union to approach the said committee. I am unable to accept this contention. The agreement is the result of negotiation between the owners of all coal mines and their workmen at the national level. The union was represented in the negotiation which resulted in the agreement. The necessary inference, therefore, is the union is aware of the provisions contained in para 9.3 of the agreement. It was no part of the management to ask the union when it presented the demand to go to the Joint Bipartite Committee for decision. Failure on the part of the management to do so cannot mean that there was no Joint Committee functioning at all. The net result, therefore, is if National Coal Wage Agreement is taken to be the basis of demand of the union it has no case on the interpretation of para 4.3 of the agreement. If the union thought that there was some ambiguity in the language used in para 4.3 of the agreement it was open to it to approach the Joint Committee as provided in para 9.3 of it. In the result, I hold that National Coal Wage Agreement No. I is the basis of the claim of the workmen in the present dispute and for reasons given by me above I have no hesitation in my mind to say that on the basis of the said agreement the workmen's claim cannot be entertained.

5. Mr. S. Roy learned counsel for the union then argued that even though underground allowance was made admissible to the workmen by Mazumdar Award upheld by L.A.T. in 1966 or 1967 under the definition of "wages" as given in clause (vi)(a) of Sec. 2 of Payment of Wages Act it became "wages". In other words underground allowance came within the mischief of definition of "wages" as given in Payment of Wages Act. Therefore, under Sec. 53 of the Mines Act, 1952 which deals with leave wages. The underground allowance paid to a workman has to be included while calculating leave wages. Mr. Roy first of all emphasises upon the word "full time earnings" used in Sec. 53 of the Mines Act and contends that "full time earnings" will include underground allowance which is nothing but wages as defined in Payment of Wages Act. Alternatively it is argued by Mr. Roy if underground allowance is not treated as a part of "full time earnings" it may be included under "compensation" used in Sec. 53 of the Mines Act and payable to a workman. None of these contentions of Mr. Roy appears to be sound. The concept of allowance is something different from wages. One is completely different from other. Allowance is something which is granted because of special conditions prevailing. It cannot be equated with wages. Wages is that amount payable to a workman for the work he does under terms of employment. At this stage reference may be made to the 1st paragraph of Clause (vi) of Sec. 2 of Payment of Wages Act as well as to the definition of wages as given in Cl. (rr) of Sec. 2 in I.D. Act. The 1st paragraph of Cl. (vi) of Sec. 2 of Payment of Wages Act says that allowance may form part of wages if payment of the same is one of the terms of employment either express or implied. To the same effect is the language used in Cl. (rr) of Sec. 2 in I.D. Act. The 1st part of the definition says that any remuneration payable to a workman is wages if the terms of employment expressed or implied were fulfilled. The second part of the definition says that the word 'remuneration' will include such allowances as are payable to a workman for the time being. The inference, therefore, is that the payment of an allowance must be one of the terms of employment. In Payment of Wages Act in the 1st paragraph the word used is 'remuneration'. Within bracket following the word "remuneration" it has been mentioned "whether by way of salary allowance or otherwise". This means that the 'remuneration' payable to a workman which includes allowances must be in pursuance to the terms of employment. The language used in Cl. (rr) of Sec. 2 of I.D. Act is almost the same as used in 1st paragraph in Cl. (vi) of Sec. 2 of Payment of Wages Act. So payment of allowance when it is in pursuance to the terms of employment is 'wages' and not all allowances. When the work is done under certain conditions something more is paid as allowance. Therefore such allowance cannot go into wage packet unless provision is made for it in the terms of employment. Underground allowance is payable on account of special conditions prevailing underground at the time a worker works. A worker is paid allowance when he goes under ground but not otherwise. So the allowance cannot

be treated as part of the wage packet of the workman. True after underground allowance became payable under Mazumdar Award, under definition of wages as given in Payment of wages Act it became a part of the wages but that is for the purpose of Payment of Wages Act which has also treated various other sums payable to a workman as wages. Mines Act of 1952 is a separate statute and Sec. 53 thereof prescribes the mode of calculating leave wages to a person employed in a mine. The said statute does not define the word "wages" as given in Payment of Wages Act or in I.D. Act. In Sec. 53 the language used is "full time earnings". The word "earning" will include an allowance only as per the definition of "wages" given in first paragraph of the definition in Payment of Wages Act provided payment of such allowance is a term of employment. The expression "full time earnings" used in Sec. 53 of the Mines Act has to be understood in that way. The expression will not include anything or everything which becomes payable under an award. Mines Act does not make any provision for Payment of underground allowance. At the time provision was made under Sec. 53 of the Mines Act for calculation of leave wages Mazumdar Award was not there. Therefore when the expression "full time earnings" was used in Sec. 53 of the Mines Act underground allowance could not have been thought to be included within the said expression. Coming to the second part of Mr. Roy's argument I must say that underground allowance can by no stretch of imagination be said to be compensation. As has been pointed out earlier underground allowance is allowance payable under special condition in which a workman is asked to work. It is not compensatory in nature. It is never intended to compensate the workman for any loss, either incurred or to be incurred. Therefore the alternative argument of Mr. Roy also fails.

Apart from what has been stated earlier the claim of the workmen can be looked at from another angle. If the union really wanted to rely for enforcement of its claim regarding leave wages under Sec. 53 of the Mines Act it could not have waited till National Coal Wage Agreement came into existence. The provision under Sec. 53 of the Mines Act was there in the Statute Book long before the Agreement came into force. That being so there is no reason why the union waited till the date of enforcement of the agreement to raise a claim that leave wages should be calculated after taking into consideration underground allowance. It is not the case of the union that prior to the agreement the workmen in the concerned collieries were getting their leave wages calculated after taking into consideration underground allowance payable to them and that this practice was stopped. It is an admitted case that in the collieries of Central Coalfields Ltd. leave wages of the workmen were never been calculated after taking into consideration the underground allowance. Such being the position it would not be incorrect to say that the union itself was conscious of the fact that underground allowance is not included within the expressions "full time earnings" and "compensation" used in the Mines Act 1952 and that is why the union chose to make the claim for the first time after National Coal Wage Agreement came into force in 1975.

6. Coming to the second demand of the union that in calculating overtime wages underground allowance should also be taken into consideration, the case of the union is almost the same as in respect of its first demand relating to leave wages. Reliance is placed on Sec. 33 of the Mines Act where it has been provided that where in a mine a person works over ground, for more than 9 hours in any day or works below ground for more than 8 hours in any day or works for more 48 hours in any week whether above ground or below ground he shall in respect of overtime work be entitled to wages at the rate of twice his ordinary rate of wages, the period of overtime work being calculated on a daily basis or weekly basis whichever is more favourable to him. Taking advantage of the position that the word "wages" has been used in the section it is argued by Mr. Roy that wages as defined clause (vi) of Sec. 2 of Payment of Wages Act would include underground allowance which become admissible under Mazumdar Award upheld by L.A.T. Award. I have already said that any allowance to be included in the wage packet of a workman must be according to the term of employment. Sub-clause (a) of Clause (vi) of Sec. 2 of Payment of Wages Act which says that any amount payable under an award is also wages should

be confined to that statute only and the said provision cannot be relied for interpreting Sec. 33 of Mines Act. Wages in ordinary parlance will not include the allowance. Admittedly underground allowance which has been made payable under Mazumdar Award is an allowance which is paid on account of some special conditions under which a workman works. It is neither compensatory in nature nor a part of wages. Wages are paid to a workman in consideration of the work he does and its nature. Therefore wage differs according to the nature of work but an underground allowance to a workman is not paid for the work he does but is paid on account of special conditions prevailing at the place of work. It is not one of the terms of employment. If really the word "wages" used in Sec. 33 of the Mines Act included underground allowance as now claimed by the union there is no reason why it waited for the enforcement of its claim regarding overtime wages till National Coal Wage Agreement came into existence when the word "wages" has been used in Sec. 33 of the Mines Act since the year 1952. The only explanation for the long silence is that the union was itself aware of the fact that word "wages" used in Sec. 33 of the Mines Act does not include underground allowance which became payable by Mazumdar Award. Reference here may be made to Sub-Sec. (3) of Sec. 33 of Mines Act which reads thus :

"For the purposes of this section 'ordinary rate of wages' means the basic wages plus (any dearness allowance and compensation, in cash including such compensation, if any, accruing through the free issue of foodgrains) and other articles as persons employed in a mine may, for the time being, be entitled to, but does not include a bonus."

The language used clearly indicates that in calculating overtime allowance only basic wages, dearness allowance and compensation have to be taken into consideration. Basic wage obviously does not include underground allowance. Only payment of basic wage is included in terms of employment and not payment of underground allowance. I have already said that underground allowance is not compensation. So in my opinion this claim of the union is not justified.

7. The third and last demand of the union is that in calculating sick wages underground allowance should also be taken into consideration. There is no provision in the Mines Act for sick leave wages. Similarly it is also not contended that sick leave wages has become payable under any award. For sick leave the claim is based on the recommendation of the Central Coal Wage Board for mining industry. In para 14 at page 127 Vol-I of the recommendation provision has been made for payment of sick leave wages. The relevant portion of the para is extracted below :

"We have considered the submissions of the parties on this issue and we are of the view that the existing facilities regarding paid sick leave require improvement. Taking into consideration all relevant factors and circumstances, the Board makes the following recommendations :

(i) All workmen shall be entitled to 15 days sick leave in the year on full pay or 30 days in the year on half pay with a right to the workmen to accumulate sick leave for a period of 60 days and 120 days respectively, in the entire period of service.

(ii) Sick leave shall be availed of only for illness beyond 24 hours' duration. This is without prejudice to any existing practice at particular units where sick leave is granted from the first day of sickness;

(iii) When the workman is ill at the colliery, the application for sick leave will be supported by the colliery medical officer and in case he is not available at the colliery, by a doctor of the Welfare Fund or any registered medical practitioner.

(iv) Where a workman falls sick when away from the colliery on privilege or other leave he shall be entitled to sick leave at the rate of six days with full pay or twelve days on half pay per year out of the total sick leave to his credit, provided his application for sick leave is supported by a certificate from a registered medical practitioner or the Mukhiya Sarpanch of the Gram Panchayat/Village Union Board."

The management does not dispute that sick leave is granted as per the Wage Board recommendation which have been accepted by the Central Government. The word used in the aforesaid paragraph of the recommendations as quoted above is "pay". It has nowhere been mentioned in the recommendation as to what is meant by the word "pay". The word "pay" in ordinary parlance includes that which is payable for the work done by a servant. It does not include ordinarily an "allowance" which becomes only payable under certain prevailing circumstances. Mr. Roy for the union contends that the word "pay" used in paragraph 14 of the recommendations does not necessarily mean basic pay and means "wages". After saying so Mr. Roy again refers me to the definition of the "wages as given in Payment of Wages Act. At the cost of repetition again I say that the definition given in the Payment of Wages Act does not include sick leave wages as payment of the same is not included in the terms of employment. The definition given in the Act, therefore, is of no avail to Mr. Roy for explaining the meaning of the word "pay" and "wages" used in the recommendations of the Central Wage Board. The recommendations of the Central Coal Wage Board was accepted by the Central Government as far back as 1967. If the word "pay" used in paragraph 14 of its recommendations included underground allowance as per the definition given for the word "wages" in the Payment of Wages Act the union could have made its claim long before. Admittedly no such claim was made before the present dispute. This conduct also lends support to my conclusion that the word "pay" used in paragraph 14 of the recommendations has been used in the sense in which the word is understood in common parlance and does not include underground allowance. In other words the word "pay" has been used to mean only wages done by a workman for the work in terms of his employment and does not include any allowance that is paid to him on account of certain conditions prevailing at the time of work and which is not included in the terms of employment. National Coal Wage Agreement-I is also silent about it. If the contention of the union as it is made now has any substance the matter could have been taken up during negotiation which resulted in National Coal Wage Agreement-I. The reference in the present case shows that the claim for inclusion of underground allowance in sick wages is made for a period subsequent to 31-12-1974 i.e. after the National Coal Wage Agreement was signed. There is no reason why the claim is made from 1-1-1975. The contentions which are now advanced by Mr. Roy in support of his claim on the basis of definition of the word "wages" as given in Payment of Wages Act were available to the union even before the National Coal Wage Agreement came into force. It would not be incorrect to say that because the union was aware that the contention now made by Mr. Roy would not prevail before the agreement came into force, the union kept quiet and made that demand for the first time after National Coal Wage Agreement-I was signed.

8. It would not be out of place to mention here that after the National Coal Wage Agreement-I was signed as practice regarding payment of leave wages, overtime wages and sick leave wages prevailing in different collieries were not uniform, there was a conference of all Personnel Officers at Ranchi and demands which have been now raised in the present dispute were discussed in the conference. It was decided in the conference that underground allowance shall be taken into consideration for computing sick leave wages, earned leave wages, festival holidays and overtime wages. Accordingly a circular Ext. M-1 was issued directing that in all the collieries underground allowance shall be taken into consideration for computation of sick leave, earned leave, overtime wages etc. with effect from 1-4-1978. This is admitted by both parties. The being so the dispute now is confined to the period from 1-1-1975 to 31-3-1978. I have given my reasons in details in respect of three demands made by the union in the present reference why I do not accept the claims. The period in dispute has now been reduced to about three years and two months after the circular Ext. M-1. Further it may be said that a second agreement known as National Coal Wage Agreement-II has also been brought into existence in the meantime, as a result of negotiation between the owners of all coal mines and their workman at national level. Under this agreement better facilities have been granted to the workmen and under the agreement now in force underground allowance has to be taken into consideration for the purpose of calculation of leave wages, sick

leave wages, overtime wages, for festival holidays etc. That being the position the present claims made by the union in this reference do not appear to be justified. The concerned workmen, therefore, are not entitled to any relief. The reference is answered accordingly. There will be no order for cost.

B. K. RAY, Presiding Officer.

[No. L-20012/89/77-DIII(A)]

S.O. 2908.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Central Saunda Colliery of Central Coalfields Limited, Post Office Saunda, District Hazaribagh and their workmen, which was received by the Central Government on the 30th September, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 22 of 1978

PARTIES :

Employers in relation to the management of Central Saunda Colliery of Central Coalfields Limited, Post Office Saunda, District Hazaribagh

AND

Their Workmen.

APPEARANCES :

For the Employers.—Shri T. P. Choudhury, Advocate.

For the Workmen.—Shri S. Bose, Secretary Rashtriya Colliery Mazdoor Sangh.

STATE : BIHAR

INDUSTRY : Coal

Dhanbad, the 24th September, 1980

AWARD

By Order No. L-20012/251/77-DIII(A) dated 21st August, 1978, the Central Government being of opinion that an industrial dispute exists between the employers in relation to the management of Central Saunda Colliery of Central Coalfields Limited, Post Office Saunda, District Hazaribagh and their workmen in respect of the matter specified in the schedule attached to the order, have referred the same for adjudication to this Tribunal.

The schedule to the order reads thus :

"Whether the action of the management of Central Saunda Colliery of Central Coalfields Limited, Post Office Saunda, District Hazaribagh, in withdrawing with effect from December, 1976, the facility of inclusion of underground allowance while computing leave wages of the workmen is justified? If not, to what relief are the said workmen entitled?"

2. After receipt of the reference parties have been noticed and they have filed their respective written statements. The written statement on behalf of the management has been filed on 14-11-1978 whereas the written statement of the union has been filed on 11-5-1979. It is not disputed that the colliery in question is a nationalised one. Originally it belonged to Karamchand Thapar. It was taken over by the Government on 31-1-1973 and was nationalised with effect from 1-5-1973 on which date the colliery vested in Coal India Authority Ltd. The Central division of this came to be known as Central Coalfields Ltd. This change took place from 1-11-1975. It is also admitted that in this colliery before take over the private owner was considering underground allowance while calculating leave wages for a section of his employees mostly employees doing managerial or supervisor work. It is not disputed that the em-

ployees who were enjoying this benefit were mostly monthly paid employees. The actual producers namely the miners were not getting the benefit. It is the case of the management as pleaded in its written statement that after nationalisation in 1976 it for the first time noticed the practice that was prevailing in the colliery in question regarding underground allowance. It has also been specifically pleaded by the management that the old employer was giving this benefit by way of incentive only. At this stage it is worthwhile to mention that after the Coal Wage Board's recommendations were accepted by the Government and were given effect to the private owner of the colliery in question did not enforce all the recommendations of the Wage Board. For example the private owner did not implement the recommendations regarding V.D.A. and increments in pay with effect from 15-8-1967. These are also facts which are not seriously disputed before me. On the basis of these facts it has been specifically pleaded by the management that as the old employer did not implement all the recommendations of the Wage Board he only gave the facility of taking into consideration underground allowance while calculating leave wages for the monthly paid staff which was mostly managerial or supervisory by way of incentive. This positive plea of the management is not denied in the written statement of the union. Consequently the fact pleaded by the management and not denied by the union has to be taken as an admitted one. Mr. T. P. Choudhury for the management, therefore, contends that the benefit which was being granted to the concerned workman prior to take over cannot be said to be included in the terms and conditions under which the concerned workman were working by the time of take over and therefore Sec. 17 of the Coking Coal Mines (Nationalisation) Act, 1972 can have no application. This contention of Mr. T. P. Choudhury is well founded. Terms and conditions of service are something different from incentive. The benefit which the private owner was allowing to some of his employees as incentive can by no stretch of imagination be said to be the terms and conditions under which the employees getting the benefit were employed. Once Sec. 17 of the Notification Act is not attracted the union is not entitled to resort to the provision of that Section of the Act for the purpose of claiming that the benefit the concerned workmen were enjoying before take over must be continued after take over. The further case of the management is that when it detected that the benefit regarding underground allowance was being granted to the monthly paid staff of the colliery in question and not to the actual producer of coal, namely, miners, it preferred to withdraw the benefit from December, 1976. The fact that the benefit was withdrawn since December 1976 is not disputed. After the new management, subsequent to take over, withdrew the benefit it carried out investigation regarding prevailing practice in respect of underground allowance obtaining in different collieries. As a result of the investigation it was found that most of the taken over collieries were not allowing the benefit in respect of underground allowance to their workers whether monthly paid or daily rated. By the time the benefit was withdrawn National Coal Wage Agreement dated 11-12-1974 had come into existence. In Chapter IV para 4.3 of the Agreement the provision regarding underground allowance is that underground allowance shall be treated as wages as hitherto. Mr. T. P. Choudhury for the management interprets this para rightly by saying that underground allowance shall be treated as wages in those collieries only where it was being so treated previously and not in other collieries. In other words according to Mr. T. P. Choudhury with regard to underground allowance the prevailing practice in different collieries was allowed to stand. This contention of Mr. Choudhury appears to be sound and reasonable. I therefore in agreement with him hold that as provided in para 4.3 of Chapter IV of the Agreement the prevailing practice in different collieries with regard to underground allowance was maintained. The said paragraph does not mean that under the agreement it was decided that underground allowance shall be treated as wages in all collieries even including collieries where it was not being so treated. In spite of this provision no step was taken by the union or the concerned workmen to refer their claim to treat underground allowance as part of wages in calculating leave salary to the Joint Committee even

though the management withdrew the benefit in 1976. The conclusion therefore is irresistible that the benefit which the concerned workmen were enjoying under the private management was only by way of incentive that the National Coal Wage Agreement (1) only maintained the status quo, and that by withdrawing the benefit which the concerned workmen were enjoying during private management the present management did not violate the provisions of Sec. 17 of the Nationalisation Act.

3. At this stage a reference may be made to Sec. 53 of the Mines Act 1952 which provides that for calculation of leave wage allowed to a person employed in a mine under Sec. 52, he shall be paid at a rate equal to the daily average of his total full-time earnings for the days on which he was employed during the month immediately preceding his leave exclusive of any overtime wages and bonus but inclusive of any dearness allowance and compensation in cash. Mr. Bose for the union contends that as per the very language used in Sec. 53 of the Mines Act leave salary of a worker has to be calculated taking into consideration his total full time earnings immediately preceding his leave exclusive of any overtime wages and bonus but inclusive of any dearness allowance and compensation in cash. That being so the workmen in the present case will be entitled to their claim for taking into consideration underground allowance in calculation of leave salary. This being the statutory provision the management cannot escape the same and withdraw the benefit which the workers were getting from their old private employer with effect from December 1976. It may also be mentioned here that in 1978 there was a conference of all Personnel Managers of Coal India Ltd, at Ranchi. A decision was taken in that conference that with effect from 1-4-1978 underground allowance will be taken into consideration in calculating leave wages, sick leave wages and overtime allowance. There was also a decision that for festival holidays underground allowance will be taken into consideration. It is also admitted that on the basis of this decision from 1-4-78 the benefits which had been withdrawn from December 1976 for the workers concerned in the case was again granted to them with effect from 1-4-78. The dispute, therefore, in the case is confined to the period from December 1976 to 31-3-78. Mr. T. P. Choudhury with reference to the contention of Mr. S. Bose on the basis of Section 53 of the Mines Act says that expression "full time earnings" in Sec. 53 only mean "full time wages" and does not include underground allowance for which there is no provision in the Mines Act. In Sec. 53 of the Act the provision is that where in a mine a person works above ground for more than nine hours in a day, or works below ground for more than eight hours in any day or works for more than forty-eight hours in any week whether above ground or below ground, he shall in respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages. Therefore expression "full time earnings" use in Sec. 53 may include the extra wages for overtime as provided under Sec. 33 of the Act but would not include an allowance known as underground allowance. Underground allowance was introduced for the first time by Mazumdar Award and was upheld by Labour Appellate Tribunal in the year 1957. So the expression "full time earnings" used in Sec. 53 of the Mines Act of 1952 would not include underground allowance. This argument of Mr. T. P. Choudhury appears to be reasonable. It is then contended on behalf of the union that underground allowance may come within the purview of word "compensation" used in Sec. 53 of the Mines Act and therefore the same must be payable by virtue of statutory provision made in Sec. 53 of the Act. "Underground allowance" in paragraph 333 of the judgement of the Labour Appellate Tribunal in Appeal (Cal) No. 166 of 1956 has been mentioned to be a special allowance given by the award (Meaning Mazumdar Award) to workmen who were required by nature of their work to go down incline and underground. Neither in the award nor in the judgement of the L.A.T.

"underground allowance" has been said to be a kind of wage. Both in the award as well as in the judgment of the L.A.T. "underground allowance" has been treated as special allowance given to the workmen. The word "compensation" used under Sec. 53 of the Mines Act under which shelter is taken by Mr. Bose for the union cannot be said to include

'allowance' The word 'compensation' always means something which is paid to compensate some loss. When a workman goes down the incline or underground in a mine the money which he is paid is not to compensate him for any loss. Therefore, Mr. T. P. Choudhury in reply argues that the word 'compensation' used under Sec. 53 of the Mines Act cannot include underground allowance.

Mr. S. Bose then refers to the sub-clause (a) of Clause (vi) of Sec. 2 of the Payment of Wages Act, 1936. In sub-section (a) any remuneration payable under any award or settlement between the parties or order of a Court has been included within the definition of 'wages'. When underground allowance is paid under an award, according to Mr. Bose, the same must be treated as 'wage'. Consequently it is urged for the union that underground allowance being a kind of wage must be included within the expression 'full time earnings' used in Sec. 53 of the Mines Act. Here I must repeat the very same observation which I have made above in interpreting the expression. Mines Act makes no provision for underground allowance. Mazumdar Award for the 1st time introduced underground allowance as a special allowance. So while using the expression 'full time earnings' in Sec. 53 of the Mines Act the legislature could not have in its view underground allowance which was yet to come. The concept of allowance is something different from wages. One is completely different from the other. Allowance is something which is granted because of special conditions prevailing. It can not be equated with wages. Wages is that amount payable to a workman for the work he does under terms of employment. At this stage reference may be made to the 1st paragraph of Clause (vi) of Sec. 2 of Payment of Wages Act as well as to the definition of wages as given in Cl. (rr) of Sec. 2 in I.D. Act. The 1st paragraph of Cl. (vi) of Sec. 2 of Payment of Wages Act says that allowance may form part of wages if payment of the same is one of the terms of employment either express or implied. To the same effect is the language used in Cl. (ri) of Sec. 2 in I.D. Act. The 1st part of the definition says that any remuneration payable to a workman if the terms of employment expressed or implied were fulfilled. The second part of the definition says that the word 'remuneration' will include such allowances as are payable to a workman for the time being. The inference, therefore, is that the payment of an allowance must be one of the terms of employment. In Payment of Wages Act in the 1st paragraph the word used is 'remuneration'. Within bracket following the word 'remuneration' it has been mentioned "whether by way of salary allowance or otherwise". This means that the 'remuneration' payable to a workman which includes allowances must be in pursuance to the terms of employment. The language used in Cl. (rr) of Sec. 2 of I.D. Act is almost the same as used in 1st paragraph in Cl. (vi) of Sec. 2 of Payment of Wages Act. So payment of allowance when it is in pursuance to the terms of employment is 'wages' and not all allowances. When the work is done under certain conditions something more is paid as allowance. Therefore such allowance cannot go into wage packet unless provision is made for it in the terms of employment. Overtime allowance is payable on account of special conditions prevailing underground at the time a worker works. A worker is paid allowance when he goes underground but not otherwise. So the allowance cannot be treated as part of the wage packet of the workman. True after underground allowance became payable under Mazumdar Award. Under definition of wages as given in Payment of Wages Act it became a part of the wages but that is for the purpose of Payment of Wages Act which has also treated various other sums payable to a workman as wages. Mines Act of 1952 is a separate statute and Sec. 53 thereof prescribes the mode of calculating leave wages to a person employed in a mine. The said statute does not define the word 'wages' as given in Payment of Wages Act or in I.D. Act. In Sec. 53 the language used is "full time earnings". The word "earning" will include an allowance only as per the definition of "wages" given in 1st paragraph of the definition in Payment of Wages Act provided payment of such allowance is a term of employment. The expression "full time earnings" used in Sec. 53 of the Mines Act has to be understood in that way. The expression will not include anything or everything which became payable under an award. Mines Act does not make any provision for Payment of underground allowance. All the time provision was made under Sec. 53 of the Mines Act for

calculation of leave wages. Mazumdar Award was not there. Therefore when the expression 'full time earnings' was used in Sec. 53 of the Mines Act underground allowance could not have been thought to be included within the said expression. In that view of the matter the expression "full time earnings" used in Sec. 53 in the Mines Act cannot be deemed to include underground allowance.

4. The whole thing may be looked at from another angle. Sec. 55 of the Mines Act provides that when any sum required to be paid by the owner, agent or manager of a mine under Chapter VII of the Act but not paid by him shall be recoverable as delayed wages under the provisions of the Payment of Wages Act 1936. So if really the expression "full time earnings" included underground allowance the concerned workmen would have at once taken recourse to the mode of recovery of the same when it was stopped by the management as provided in Sec. 55 of the Act. The very fact that no step has been taken by the union for recovery of underground allowance for the period from December 1976 to 31.3.1976 would go to show that a union was aware that the expression 'full time earnings' did not include underground allowance.

5. In Paragraph 1 of the written statement by the union it has been said that in Barkakana area of Central Coalfields Limited, Sounda 'D' Colliery, all employees were entitled to underground allowance whether supervisory staff or underground loaders and that while calculating leave wages, festival holiday wages, sick leave wages and overtime wages underground allowance used to be taken into consideration. This written statement has been filed on 11.5.79. By that time according to the case of the management in pursuance to the decision of the conference of all Personnel Managers of Coal India Limited at Ranchi underground allowance was decided to be taken into consideration in calculating leave wages, sick leave wages, wages during festival holidays and overtime wages. It is the positive case of the management also that since 1-4-78 this decision has been given effect to in all the collieries of Coal India Limited. Therefore, by the time the union filed its written statement, under the aforesaid decision underground allowance was being taken into consideration not only for the purpose of calculating leave wages but for other purposes as well. So the assertion made in the paragraph 1 of the written statement of the union does not improve its case. According to the case of the management after it detected that the concerned workmen who were mostly monthly paid staff were being allowed the benefit of calculation of their leave salary after taking into consideration the underground allowance and that the same benefit was not being allowed to the daily rated workers it discontinued the benefit and carried out investigation by making reference to different collieries to know the prevailing practice. Reference may be made here to Exts. M-4, M-5 and M-6. Ext. M-4 is a letter of Dy. Chief Mining Engineer relating to question of payment of underground allowance in Sounda 'D' Colliery. This letter goes to show that with effect from 1-4-78 that is after the decision in 1978 referred to earlier underground allowance is being taken into consideration for calculation of leave wages, wages for festival holidays, sick leave wages and overtime wages. Thus it is clear from the said letter that prior to 1-4-78 the practice of taking into consideration underground allowance in calculating leave salary etc. was not in vogue in that colliery. This clearly goes to show that the assertion made in paragraph 1 of the union's written statement only means that the benefit of taking into consideration underground allowance for the purpose of leave salary was being granted to workers of Sounda 'D' Colliery with effect from 1-4-78 and not prior to that. Exts. M-5 and M-6 which are letters from Senior Mining Engineer and Colliery Manager of two other different collieries also go to show that the practice of taking into consideration underground allowance for the purpose of calculating leave wages was not in vogue in those collieries between December 1976 upto 31-3-1978.

6. In the result I hold that underground allowance is not a kind of wage to be included within the expression "full time earnings" used in Sec. 53 of the Mines Act, that the benefit which the concerned workmen were getting under private management was by way of an incentive that the management was fully justified in stopping the discriminatory practice of taking into consideration underground allowance

for the purpose of calculating leave salary for the monthly paid employees who were mostly supervisory and that the concerned workmen have no statutory right to claim that the underground allowance should be taken into consideration for fixing their leave wages. The concerned workmen, therefore, are not entitled to any relief. There will be no order for costs.

B. K. RAY, Presiding Officer.

[No. L-20012/251/77-D.III(A)]

New Delhi, the 9th October, 1980

S.O. 2909.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Kooridih Colliery of Messrs Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad and their workmen, which was received by the Central Government on the 30th September, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

Reference No. 70 of 1979

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Kooridih colliery of Messrs Bharat Coking Coal Limited, Post office Sonardih, District Dhanbad.

AND

Their workmen

APPEARANCES :

On behalf of the employers—Shri S. S. Mukherjee, Advocate.

On behalf of the workmen—Shri B. Lal, Advocate.

STATE : Bihar.

INDUSTRY : Coal

AWARD

This is a reference under Section 10 of the I.D. Act, 1947. The Central Government by its notification No. L-20012/28/77.D.III (A) dated 21st June, 1977 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDULE

“Whether the action of the management of Kooridih colliery of Messrs Bharat Coking Coal Limited, Post office Sonardih, District Dhanbad in dismissing Shri Nirmal Kumar Bose, Cashier, with effect from 1st September, 1976 is justified ? If not, to what relief is the said workman entitled ?”

2. Shri Nirmal Kumar Bose the concerned workman was first employed in Kooridih colliery in the month of July 1949. During March, 1975 Shri Bose was employed as a cashier of Kooridih colliery. The Vigilance Department of Messrs Bharat Coking Coal Ltd. received a confidential information that stacking bills prepared for the gangs of Shri Shyam Bhuia and Shri Sheodhari Bhuia for the week ending 22-3-75 and 29-3-75 were for fictitious work and the money was not actually paid to the workers named in the wage sheets. The payment for these two weeks were made by Shri Nirmal Kumar Bose, the cashier. The Vigilance officer took charge of these wage sheets and at random selected names of five workers viz : S/Shri Durga Bhuia, Jago Bhuia, Sheodhari Bhuia, Shyam Bhuia & Karoo Bhuia and also obtained their specimen thumb impressions. The vigilance department thereafter sent the specimen thumb impressions and the wage sheets containing the thumb impressions to the Finger Print Expert, CID, Patna for comparison and report. The report was that the specimen thumb impressions of Shyam Bhuia and Karoo Bhuia did not tally with the thumb im-

pressions on the wage sheets. The thumb impressions of other three workers were not clear enough for comparison. On receipt of the opinion of the thumb impressions Expert charge-sheet dated 12-5-76 was issued to Shri Nirmal Kumar Bose to which he replied on 15-5-76 denying the charges. A departmental enquiry was held in which it was found that the charges were proved. Shri Bose was therefore dismissed by the letter dated 1-9-76 after receiving the approval of the General Manager of the Area who was also the Chief Mining Engineer.

3. A preliminary point was raised as to whether the enquiry was fair and proper. It was found that the enquiry was not fair and proper. The management thereafter adduced evidence in support of the charges framed against Shri Nirmal Kumar Bose in order to justify the case of dismissal.

4. The workman has been represented by Koyala Ispat Mazdoor Panchayat which is admittedly a recognised union which was registered under the Trade Union Act, 1926. According to the workman the management has not been able to establish any case of misappropriation and on the basis of the evidence adduced in this case even before this court, no case of misappropriation is made out.

5. The documents admitted into evidence in this case are the following : Ext. M1 is the original report of Finger Print Expert with its forwarding, Ext. M1/1 are original two slips containing thumb impressions of S/Shri Shyam Bhuia and Karoo Bhuia, Ext. M2 is original wage sheet in 2 pages, Ext. M3 is a copy of the charge-sheet dated 12-5-76 issued against Shri Bose, Ext. M4 is the original reply dated 15-5-76 to the charge-sheet, Ext. M5 is a letter dated 17-6-76 issued by the manager of the colliery intimating him Shri P. Jha, Personnel Officer of Area No. III would go to hold an enquiry into the charge-sheet, Ext. M5/1 is a letter dated 27-7-76 to the concerned workman fixing 30-7-76 at 4 P.M. as the date for enquiry, Ext. M6 is a letter to the Area General Manager by the manager of the colliery under which the report of the enquiry officer was forwarded, Ext. M-7 is a letter dated 31-8-76 from the General Manager to the Manager, Kooridih colliery accepting the recommendation of the enquiry officer regarding dismissal of Shri Nirmal Kumar Bose, Ext. M7/1 is a letter dated 1-9-76 addressed to Shri Nirmal Kumar Bose by the manager of the colliery intimating that he was dismissed from company's service with immediate effect, Ext. M8 is a copy of Standing order, Ext. M9 is the original enquiry proceeding and Ext. M10 is the original report of the enquiry officer.

6. With regard to the oral evidence, MW.1 is Shri Purushottam Jha who has held the enquiry in this case. MW.2 is Shri Harideo Mishra who was the Vigilance officer of BCCL at Patherdih. His evidence is that he took charge of the wage sheets of Kooridih colliery for the week ending 22nd March, 1975 and 29th March, 1975 on the basis of source information. He took specimen signatures of 4/5 labourers. He sent the specimen through the Chief Vigilance officer to the Finger Print Expert, Patna along with the wage-sheets. After he received the report of the Expert, he handed over the papers to the Chief Vigilance Officer. MW.3 Shri B. N. Sahay is the Finger Print Expert, Government of Bihar, CID, Patna. His evidence is that the Chief Vigilance Officer, BCCL had sent a set of L.T.s for examination to his department for expert opinion. A forwarding letter of the Vigilance Dept. has been proved by him and marked Ext. M13. The witness was entrusted with the examination of L.T.s. He examined the thumb impressions appearing on Ext. M2 with the specimen thumb impressions took on two sheets of papers, i.e. Ext. M1/1. He examined and submitted his report to the Director, Finger Print Bureau The report is Ext. M14. According to his opinion the thumb impressions appearing on the wage sheets did not tally with the thumb impressions appearing on the specimen. On behalf of the workmen, only the workman has examined himself to say that the payment was made to both the workers viz. Shri Shyam Bhuia and Shri Karoo Bhuia and denied the case of misappropriation.

7. Before I go to discuss the case, I would like to point out that the domestic enquiry was held to be unfair on the ground that the specimen thumb marks were not sent to the expert after sealing it in presence of the concerned workman. The Finger Print Expert was also not examined. The two

workmen who were alleged to have not been paid by the concerned workman were also not examined. The Finger Print Expert has been examined now. But the two workmen, viz. Shri Shyam Bhuia and Shri Karoo Bhuia were not examined in support of the management's contention that they were not paid on the basis of the wage-sheets. The Vigilance Officer has been examined to say that he went to the colliery office where 5 workers were brought by the manager whose thumb impressions he took as specimen. Thumb impressions of 3 workers were found to be blurred and were not fit for comparison with the specimen. The Finger Print Expert found that the thumb impressions appearing on 2 slips (Ext. M1/1) did not tally with the thumb impressions appearing on the wage sheets. The management did not obtain fresh impressions from Shri Shyam Bhuia and Shri Karoo Bhuia for a fresh comparison. Now one thing is pertinent that nobody has been examined to say that the thumb impressions of Shri Shyam Bhuia and Shri Karoo Bhuia had been taken by the Vigilance Officer. The Vigilance Officer himself did not mention in his evidence as to who had identified S/Shri Shyam Bhuia and Karoo Bhuia before him. This identification was very necessary in order to conclusively prove that S/Shri Shyam Bhuia and Karoo Bhuia did not receive money from the concerned workman on the dates of payment. In this case the simple allegation is that S/Shri Shyam Bhuia and Karoo Bhuia were not paid and therefore the concerned workman had misappropriated the amount intended for payment to S/Shri Shyam Bhuia and Karoo Bhuia. The reason for saying this is that in the wage sheet the thumb impressions of S/Shri Shyam Bhuia and Karoo Bhuia were not taken. It was therefore necessary for the management to show that the thumb impressions appearing in wage sheets, Ext. M2 were really fake which means that S/Shri Shyam Bhuia and Karoo Bhuia did not put their thumb impressions on the wage sheets. It is true that Finger Print Expert has found that thumb impressions appearing of S/Shri Shyam Bhuia and Karoo Bhuia appearing on wage sheets, Ext. M2 did not tally with the thumb impressions taken as specimen on Ext. M1/1. Ext. M1/1 was not definitely taken in presence of the concerned workman as admitted by the Vigilance Officer (MW 2). I have already said that in Ext. M1/1 there is nothing to show as to who identified S/Shri Shyam Bhuia and Karoo Bhuia before the Vigilance Officer. In his evidence MW-2 has said that the specimens were taken in the manager's office in presence of some persons. But the management did not produce any witness to show that S/Shri Shyam Bhuia and Karoo Bhuia had put their thumb impressions on the two pieces of papers, Ext. M1/1. The management therefore has not been able to establish that the thumb impressions appearing on Ext. M1/1 were given by S/Shri Shyam Bhuia and Karoo Bhuia. Moreover, the initial defect found by this court that the thumb impressions were not sent in a sealed cover to the Finger Print Expert has not been removed by taking fresh specimens from S/Shri Shyam Bhuia and Karoo Bhuia so as to establish the genuineness of the documents Ext. M1/1. Moreover, S/Shri Shyam Bhuia and Karoo Bhuia have not been examined to say that they did not receive any payment. It is, therefore, clear that the case of misappropriation which is the basis of charge-sheet, Ext. M3 has not been established by the management. In other words the charge framed against the concerned workman has not been proved and I have to hold that the management made an error in dismissing the concerned workman on the basis of wrong report of the enquiry officer in course of domestic enquiry.

8 The result is that the action of the management of Kooridih colliery of Messrs Bharat Coking Coal Limited, Post office Sonardih, District Dhanbad in dismissing Shri Nirmal Kumar Bose, Cashier with effect from 1st September, 1976 is not justified. Consequently, Shri Nirmal Kumar Bose, Cashier should be deemed to be in service with effect from 1-9-76. Shri Bose will also be entitled to all his back wages and other emoluments with effect from 1-9-76.

This is my award

25th September, 1980

J. P. SINGH, Presiding Officer
[No. I-20012/28/77 D III(A)]

New Delhi, the 10th October, 1980

S.O. 2910.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Govern-

ment Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Maheshpur Colliery of Messrs Bharat Coking Coal Limited, Post Office Kharkharee, District Dhanbad and their workmen, which was received by the Central Government on the 7th October, 1980.

BEFORE THE CENTRAL GOVT INDUSTRIAL-CUM-
LABOUR COURT NO 3, DHANBAD

Reference No. 29 of 1978

PARTIES

Employers in relation to the management of Maheshpur Colliery of M/s Bharat Coking Coal Ltd., P.O. Kharkharee, District, Dhanbad;

AND

Their workman

APPEARANCES.

For Employers—Sri S. S. Mukherjee, Advocate

For Workman—Sri S. Dasgupta, Joint General Secretary
R.C.M.S.

INDUSTRY Coal

STATE Bihar

Dated the 27th September, 1980

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication by their Order No. L-20012/158/77 DIII(A) dated the 23rd March, 1978.

SCHEDULE

"Whether the action of the management of Maheshpur Colliery of M/s Bharat Coking Coal Limited, P.O. Kharkharee, Dist. Dhanbad in terminating the services of Shri Gyan Chand Keshri, Salesman with effect from the 8th June, 1976, is justified? If not, to what relief is the said workman entitled?"

2 The workman in his written statement of claim stated that he worked as a Sales Manager in the Co-operative Consumer Store at Kharkharee colliery. After that Consumer Store had ceased to exist, he was appointed as a Sales Manager at Maheshpur Colliery Consumer Co-operative Store with effect from 15-1-74. But the management failed to issue any letter of appointment to him though he was given to understand that he would be placed in the Clerical Grade II as per the Coal Wage Board Recommendations. He was also not paid his wages from 15-1-74 to October, 1974. With effect from November '74 he was placed in Clerical Grade II and his wages begun to be paid. In January '75 he received a letter of termination from the Manager Maheshpur colliery terminating his services with effect from 30-3-76. The workman filed a Title Suit for a declaration that the order of termination is not valid and binding on him and pending that Suit he filed an application for the issue of an order of temporary injunction. Under the cover of that interim injunction of the Court he continued to serve in the Colliery till 8-6-76. Soon after the interim order was vacated the management terminated his services with retrospective effect from 30-3-76 as per their letter dated 5-6-76. Then the workman placed his case before the Rashtriya Colliery Mazdoor Sangh who raised an industrial dispute with the management demanding his reinstatement. The efforts made by the A.L.C.(C), Dhanbad at conciliation having failed this dispute is referred to this Tribunal for adjudication. The workman prays that he may be reinstated with continuity of service from 15-1-74 and full back wages and other consequential benefits.

3 The management of Maheshpur Colliery in their written statement submit that the workman was never a bonafide employee of M/s Bharat Coking Coal Ltd., at

any time. Since he was not a bonafide employee of theirs, there can be no employer and employee relationship between him and the management. After the workman was rendered idle consequent upon the closure of the Kharkhree Colliery Consumer Co-operative Society he applied to the Sub-Area Manager, Dharmaband Sub-Area for a suitable post. On a reference from the Sub-Area Manager on the subject the Personnel Headquarters informed him that the workman could be considered for appointment in any of the Consumer Co-operative Societies that were likely to be started in or around that area. The Sub-Area Manager asked the workman to work as Sales Manager in Maheshpur Colliery Co-operative Store from 15-1-74 and requested the Personnel Department Headquarters to issue an appointment letter to the effect in the workman's favour. The management submits that the desired letter of appointment was never issued because the Co-operative Consumer Society in which the workman was serving had nothing to do with the colliery. It was an independent organisation having separate finance of its own. The Personnel Department Headquarters accordingly informed the Sub-Area Manager by their letter dated 18-11-74 that M/s. Bharat Coking Coal Ltd., would have no objection if the workman was employed as Salesman in the Colliery Consumer Co-operative Stores. They state that in contravention of the clear instruction given in the aforesaid letter the Sub-Area Manager instructed the Manager Maheshpur Colliery to put the workman on the regular rolls of Maheshpur Colliery. It is submitted that the said order of the Sub-Area Manager was without jurisdiction and authority. He was not an officer competent to make any appointment in this company. Soon after the management came to know of this unauthorised appointment the matter was fully investigated and the Sub-Area Manager was advised to terminate the services of the workman. Accordingly a letter of termination of employment dated 25-2-75 was prepared for service on the workman. The workman coming to know that his services were likely to be terminated, rushed to a Civil Court and obtained an order of interim injunction restraining the management from terminating his service. In the face of that interim order the management could not serve the letter of termination. The injunction order was got vacated on 29-3-76. The management then served the letter of termination dated 8-6-76 on the workman. They say that the services of several persons similarly placed as the workman herein have been terminated and that the allegation that the workman is singled out for this treatment is not correct. They further state that since there was no employer and employee relationship between them and the workman herein the workman is not entitled to any notice of termination under any statute. For the same reason they say no domestic enquiry was held before terminating the services. For these reasons they submit that there is no merit in this Reference.

4. The workman in his rejoinder submits that in the interests of the smooth and efficient running of the Maheshpur Colliery Consumer Co-operative Society the management of the colliery appointed the workman as a Sales Manager. It is admitted that it was the Sub-Area Manager that appointed the workman as Sales Manager. They say that the management acquiesced in the appointment of the workman by the Sub-Area Manager on the rolls of the Colliery. They deny the averments of the management that several persons similarly situated as the workman herein were removed from service.

5. The management in their rejoinder denied the several averments made in the statement of claim filed on behalf of the workman.

6. The workman filed a supplementary written statement stating that the workman herein was stopped from work with effect from 17-2-76 i.e. long before the vacation of the order of interim injunction passed by the Civil Court. He complains that the arrears of wages were not paid to him within the period stipulated in the letter of termination. It is also said that the order of termination is defective because it is passed with retrospective effect because it did not conform to the provisions of the Standing Orders or the principles of natural justice.

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7. On the above pleadings the issues that arise for consideration are—

- (1) Whether the appointment of the workman as Salesman on the rolls of Maheshpur Colliery is surreptitiously inducted, through collusive machination without any sanction from the competent authority?
- (2) If not, to what relief is the workman entitled?

8. Issue (1).—In support of his case the workman has examined himself as WW-1 and on behalf of the management the Dy. Personnel Manager, Sri S. S. Mitra is examined as MW-1. The facts of the case are not in dispute. Some of the collieries under M/s. Bharat Coking Coal Ltd., run Consumer Co-operative Societies which are managed by their respective Managing Committees. The Ex-Officio Chairman of these Managing Committees is usually the concerned Colliery Manager and there are certain other elected members. Some of the members of the staff of the colliery are drafted to work in the Societies on a part-time basis. The whole-time servants of the Society are appointed by the Managing Committee itself without reference to the colliery management. It is not disputed that the whole-time servants appointed by the Managing Committee cannot be considered to be the employees of M/s. Bharat Coking Coal Ltd. The concerned workman was originally appointed as a Sales Manager in Kharkhree Colliery Consumer Co-operative Stores. On the closure of that Stores in 1973 the workman applied to the Sub-Area Manager, Dharmaband Sub-Area for a suitable job in one of the Co-operative Stores that were proposed to be started in or around that area. A copy of this application was sent to the Senior Personnel Officer, Recruitment. On receipt of that letter the Senior Personnel Officer (R) addressed the letter Ext. M-1 dated 4-12-73 to the Personnel Officer, Dharmaband Sub-Area informing him that the workman might be considered for appointment as Sales Manager in the Co-operative Stores that were proposed to be started provided his services in the Kharkhree Co-operative Stores were found satisfactory. The Welfare Officer of Maheshpur Colliery also addressed the letter Ext. W-3 dated 15-3-74 to Sri K. C. Nandkeolyar, Senior Personnel Officer, Recruitment informing him that at their Maheshpur and Sindih Co-operative Stores there was a huge arrear of work pending. He also submitted that on account of want of competent staff the function of the said Co-operative Stores was being hampered. He submitted that in consultation with the Co-operative Secretary he was forwarding the names of the workman herein and another for being considered for appointment in the aforesaid Stores. The Sub-Area Manager by his letter Ext. M-3 dated 21-5-74 informs the Chief Industrial Relations and Personnel that as advised by the letter Ext. M-1 the workman herein was appointed as Sales Manager in Maheshpur Colliery and that his work was found satisfactory. He requests the Chief Industrial Relations and Personnel to expedite the issue of the necessary order of appointment to enable the workman to draw his salary from the date of his appointment viz. 15-1-74. In reply to the letter Ext. M-3 the Senior Personnel Officer, Recruitment Mr. I. B. Pandey by his letter Ext. M-4 dated 18-11-74 informs the Sub-Area Manager that they had no objection for the employment of the workman herein as Salesman in Maheshpur Colliery. The Sub-Area Manager wrote the letter Ext. W-5 dated 20-11-74 to the Manager, Maheshpur Unit advising him to place the concerned workman as Salesman in his unit and to be paid Grade II wages with starting basic Rs. 205. He was also told that the above scale and grade should be made effective from the date the workman had joined his duty at Maheshpur Colliery. He advises the Unit Manager to prepare a bill for the arrears of wages and send the same to the Sub-Area Office for verification and sanction. On receipt of this letter the Maheshpur Colliery Manager addressed the letter Ext. M-5 to the Sub-Area Manager seeking clarification on the question whether the workman had to be paid his wages on the colliery account or on account of the Co-operative Stores which has no connection whatsoever with the finance of the colliery. The Sub-Area Manager by his letter Ext. M-6 dated 29-11-74 clarified the position by declaring that the workman herein was a regular employee of the company and therefore his wages had to be paid on company's account. The Unit Manager was directed to pay the workman's arrears of salary at the earliest. On 13-1-75 Mr. Pandey the Asstt. Personnel Officer, Recruitment informed the Sub-Area Manager by his letter Ext. M-7 that in view

of his earlier letter Ext. M-4 the Sub-Area Manager should have taken the workman on the rolls of the Co-operative Stores of the Maheshpur Colliery and not on the rolls of Maheshpur Colliery itself. He further stated that the workman's salary should have been paid from the account of the Co-operative Stores. Sri Pandey requested the Sub-Area Manager to take necessary action in the light of that letter. A reference may also be made to the note made by MW-1 on Ext. M-5 advising the Sub-Area Manager to say that the workman herein was the company's regular employee and therefore has to be paid from company's account. The attention of the witness MW-1 was not drawn to this note by either party during the course of his examination. Long after the examination of MW-1, WW-1 was recalled and examined on 17-9-80 at the request of his representative Sri Dasgupta. During that examination-in-chief with permission the endorsement on Ext. M-5 referred to above is proved by WW-1. There was no cross-examination of the witness on this question. MW-1 having clearly endorsed on Ext. M-5 stating that the workman was a company's employee deposed in a different manner to suit the present stand taken by the management. Ext. W-11 is the relevant entry in the Form B register of Maheshpur Colliery wherein the name of the workman is found entered at Sl. No. 738. Ext. W-10 is the attendance register for the years 1975 & 1976 maintained for the staff of Maheshpur Colliery where the workman was marking his attendance. It is not disputed that even in 1974 from the date of his appointment his signature was being taken on the colliery attendance register only.

9. On the above evidence it has to be seen whether the case of the management that they were justified in terminating the services of the workman because he was inducted in the employment of M/s. Bharat Coking Coal Ltd., in an irregular and unauthorised manner and is not a bonafide workman of theirs is made out. It is also to be seen if the allegation made in the letter of termination of service Ext. W-1 viz. that the workman was "surreptitiously inducted through collusive machination" into the service of the company without sanction of competent authority is true. There is absolutely no evidence whatsoever on the side of the management to show that the workman had got his name included on the rolls of Maheshpur Colliery by practising any fraud or misrepresentation. No such suggestion even is made to WW-1 in the course of his cross-examination. MW-1 also does not speak to any such fraud or malpractice on the part of the workman in securing this job under the colliery. It is not even averred that the Sub-Area Manager who made this "irregular" appointment was for any reason interested in the workman. That it is submitted that the Sub-Area Manager is not competent to appoint any person and in support of that case the management have filed Ext. M-2 a copy of the powers delegated to their officers. The Deputy Chief Mining Engineer noted in Column 2 of Ext. M-2 corresponds to the Sub-Area Manager. Under that column the powers delegated to him are given. That shows that he has no power to appointment any one other than temporary labour for specified jobs in Category I upto 300 manshifts a month spread over not more than 3 weeks. May be the action of the Sub-Area Manager in appointing the workman as Salesman is without authority but still the fact remains the workman has worked in this colliery from 1974 January till 1975 February and thereafter till March 1976 under the cover of an order of injunction from the Civil Court. The management if it so chooses may take necessary action against the Sub-Area Manager for flouting the departmental rules and regulations but cannot proceed to terminate the services of the workman appointed by him on the ground of fraud, collusion etc. It is not argued before me that an irregular appointment or an appointment made without authority by the Sub-Area Manager does not confer any right on the employee. In this case from November 1974 to January 1975 the workman was allowed to draw salary on account of the colliery.

10. For the aforesaid reasons, I find that the appointment of the workman as Salesman in the Maheshpur Colliery is not wanting in bonafides, nor surreptitiously inducted through collusive machination as stated in the letter of termination Ext. W-1 and therefore cannot be set aside. May be the appointment did not have the sanction of the competent authority. But the competent authority should have stepped in promptly to discharge the workman from service and not

wait till 13-1-75 to say that the appointment was irregular and that the concerned workman should be discharged from service forthwith. Issue (1) found accordingly.

11. Sri Das Gupta for the workman tried to argue that even if the order of appointment is vitiated for some reason as contended by the Management, the order of discharge being illegal it is liable to be ignored and the workman reinstated. In the light of the above finding, on Issue (1), I do not consider it necessary to consider this aspect of the case.

12. Issue (2).—The workman has not been paid his wages from the date of his appointment 15-1-74 till October 1974, the colliery authorities holding the view it was the Co-operative Store that was liable to make this payment and the Co-operative Store holding the view that the workman being on the rolls of the company his wages should come out of their funds. The workman has also not been paid his wages from 17-2-76 till the date of service of the notice of termination Ext. W-1. The order of termination dated 5-6-76 purports to terminate the services of the workman w.e.f. 30-3-76 for the reason the interim order of injunction was vacated on 29-3-76. The workman complains that he was not allowed to mark his attendance from 17-2-76 onwards and consequently no wages were paid to him for that period. In the light of the finding on Issue (1) the workman is certainly entitled to full wages from 15-1-74 till the end of October 1974 from the management of Maheshpur Colliery. From 25-1-75 till the date the order of interim injunction of the Civil Court was vacated viz. 29-3-76 the workman appears to have worked. For this period also he is entitled to full wages. The workman contends that from 30-3-76 till the date of receipt of the order of termination Ext. W-1 also he was regularly attending to his duties. There does not seem to be any evidence to the contrary. He may be paid the wages in full for this period also. The question is whether he is entitled to payment of back wages from 8-6-76 till the date of reinstatement in pursuance of this award. The workman as WW-1 stated that he has not been gainfully employed since 8-6-76. Having regard to the manner in which the appointment of the workman has been made, I feel that the ends of justice will be amply met if he is paid half of his wages from 8-6-76 till the date of reinstatement.

13. In the result this reference is answered as follows:—

The action of the management in terminating the services of the workman herein as Salesman w.e.f. 8-6-76 (should be 30-3-76) is not justified. The management is directed to reinstate the workman within 30 days from the date of publication of this award in the Gazette with continuity of service from 15-1-74. The management is further directed to pay the workman the arrears of wages in full with consequential benefits from 15-1-74 till 31-10-74 and from 21-5-75 till 8-2-76. And from 8-2-76 till the date of reinstatement the management is directed to pay only 50 per cent of the wages and consequential benefits.

P. RAMAKRISHNA, Presiding Officer
[No. L-20012/158/77-D.III A.]

S.O. 2911—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Messrs Bharat Coking Coal Limited Post Office Sonardih, District Dhanbad and their workmen, which was received by the Central Government on the 7th October, 1980.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 9 of 1980

PARTIES :

Employers in relation to the management of Area No. JII of M/s. Bharat Coking Coal Ltd., Bilbera House, P. O. Sonardih, Dist. Dhanbad.

AND

Their workmen.

APPEARANCES:

For Employers—Shri B. Joshi, Advocate.

For Workmen—Shri D. Mukherjee, Secretary, B. C. K. Union, Dhanbad.

INDUSTRY : Coal.

STATE : Bihar

Dated, the 29th September, 1980

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10 (1)(d) of the Industrial Disputes Act, 14 of 1947 have referred the following dispute to this Tribunal for adjudication by their Order No. L-20012/86/79-D.III. A. dated 24/28th January, 1980.

SCHEDULE

"Whether the demand of the workmen of M/s. Bharat Coking Coal Ltd., Area No. III, Bilbera House, P.O. Sonardih, Dist. Dhanbad that Shri P. K. Ghosh and Shri H. N. Kapoor, Grade-I Clerks should be promoted as Special Grade Clerks with effect from the 16th August, 1977 and also be paid the difference of wages from the 16th August, 1977, is justified? If so, to what relief are the said workmen entitled?"

2. The two concerned workmen through the Secretary of the Bihar Colliery Kamgar Union have filed a statement of claim stating that at the relevant time they were working as Grade I Clerks in the Personnel Department in the Area Office of Area No. III. When two vacancies of Special Grade Clerks arose in the Personnel Department of this area, a Departmental Promotion Committee (D.P.C.) was appointed to fill in these and other vacancies. The D.P.C. recommended the promotion of the two concerned workmen as Special Grade Clerks and based on that recommendation the workmen were promoted as Special Grade Clerks w.e.f. 16-8-77 as per the Office Order dated 11-8-77. But the management failed to pay the concerned workmen the wages due to them in the Special Grade. When the workmen immediately lodged their protest against this short payment of wages, the management had informed them that they cancelled their promotion. It is submitted that this action of the management without putting the workmen on notice is illegal and opposed to the principles of natural justice. It is alleged that because the concerned workmen are members of Bihar Colliery Kamgar Union the management has cancelled their promotion. It is also alleged that this action of the management was under pressure from the union sponsored by them. The workmen pray that the management may be directed to treat them as Special Grade Clerks w.e.f. 16-8-77 and pay them the difference in wages.

3. The management in their written statement pleaded that the Central Govt. is not the appropriate authority to refer the present dispute relating to the promotion of staff working in Area Office which is not a mine. They also say that promotion being a managerial function, the promotions made by them cannot be questioned before any Labour Court. They admit that the concerned workmen were recommended for promotion by one D.P.C. They say the said D.P.C. did not recommend candidates on the basis of their overall seniority in the Area but on a consideration of their seniority departmentwise which is said to be in contravention of the promotion policy laid down by the management. As there was resentment among the Senior Clerks of the Area against the promotions recommended by this D.P.C. the higher authorities reviewed the matter and set aside the recommendations made by the first D.P.C. Another D.P.C. was constituted to recommend suitable candidates for promotion and the second D.P.C. submitted its recommendations on 23-9-77. Since the concerned workmen were not the senior-most in the Area their names were not considered by the Second D.P.C. The management submits that in the circumstances the workmen can have no grievance whatsoever.

4. The workmen in their rejoinder reiterated the facts stated in their statement of claim,

5. The management in their rejoinder stated that the workmen were informed of the cancellation of their promotions on grounds of illegality and irregularity. They admit the workmen's allegation that the promotions were cancelled because of the pressure from the management's "pocket union/association". The rest of the rejoinder is one of denial of the other averments made in the workmen's statements of claim.

6. On the above pleadings the issues that arise for consideration are—

(1) Whether the action of the management in cancelling the promotions made by the first Departmental Promotion Committee is valid?

(2) If not, to what relief are the workmen entitled?

7. Issue (1).—The facts of the case are not very much in dispute. There is the evidence of the Manager Planning as MW-1 as against that of WW-1 Sri Kapoor one of the concerned workmen. The two concerned workmen were working as Grade I Clerks in the Personnel Section of Area No. III. During the year 1977 among others there were two vacancies of Special Grade Clerks in the Personnel Department of the Area Office. The management constituted a D.P.C. to recommend the names of suitable candidates for promotion. The D.P.C. recommended the two concerned workmen for promotion to the Special Grade Clerical posts. The recommendations were accepted and the management issued the order of promotion Ext. W-2 dated 11-8-77 by which the two concerned workmen and 5 others were promoted to the Special Grade w.e.f. 16-8-77. The workmen complain that to their utter disappointment their pay in the higher grade was not paid. They submitted the letter of protest Ext. W-3 dated 18-2-78. After the submission of this letter Ext. W-3 they were orally informed that their promotion order was cancelled. This action of the management is said to be opposed to the principles of natural justice. The case of the management as set out in paras 7 & 8 of their written statement is that the first D.P.C. considered the names of suitable candidates according to their seniority in their respective departments while their promotion policy rules enjoined on them to consider the overall seniority of the candidates working in the entire area. There was some resentment amongst the Senior Clerks against this departure from the accepted norms of promotion. The management at its higher level considered the matter and decided that the recommendations made by the first Promotion Committee should be cancelled and another Committee should be constituted to submit fresh recommendations strictly following the norms laid down in the promotion policy. Ext. M-2 is the Circular laying down the promotion policy to be followed. Para 3.2 of Ext. M-2 is said to be the relevant provision which reads as follows :

"3.2 Promotions into the various grades will be conducted in the following manner—

- (i) In the scale of Rs. 592-992 (Supervisory Grade) promotions will be made on a company-wise basis against available vacancies and the DPC will include eligible candidate from the Areas as well as the headquarters, except for Finance & Accounts in which the promotions will be effected from persons within the Finance Department working in the Area and headquarters and special grade clerks in Accounts shall not be considered for the posts in other departments.
- (ii) In the scale of Rs. 510-792 (Special Grade), promotions will be made by DPC area-wise and headquarters-wise. Headquarters will include all the Directorates and Central Services.
- (iii) In the scale of Rs. 442-678 (Grade I), promotions will be conducted Area-wise and headquarters-wise by a DPC; and
- (iv) In the scale of Rs. 378-570 (Grade II), promotions will be made colliery-wise, Area-wise and Directorate-wise.

The second D. P. C. which constituted of the same members as the first D. P. C., did not recommend the names of the two concerned workmen for the reason that they were not sufficiently senior for such consideration taking the Area as a whole. WW-1 in the course of his evidence admitted that the persons selected by the second D. P. C. were senior to him and the other concerned workman, MW-1 Mr. Thakur was a Member of both the D. P. Cs. His evidence is contrary to the pleadings of the management set out in paras 7 & 8 of the management's written statement referred to above. According to him the first D. P. C. was asked to recommend suitable candidates for promotion to the Special Grade Clerks according to their seniority in different departments. Whereas in paras 7 & 8 of the management's written statement it is stated that it was the D.P.C. that deviated from the promotion policy, MW-1 further stated that according to these norms the D.P.C. recommended some names including those of the two concerned workmen herein for promotion. He went on to say that after a discussion with the Staff Co-ordination the management changed the norms and directed the second D. P. C. that was constituted to recommend the names of the candidates having regard to their seniority in their respective departments. As per this new guideline the second D. P. C. examined the cases of candidates and since the two concerned workmen were not sufficiently senior in the Area their names could not be recommended. In the light of MW-1's evidence it has to be held that the first selection by the D. P. C. was also according to the norms laid down by the management. From the pleadings it is also clear that the selections made by the first D. P. C. were set aside under pressure from the Staff Co-ordination which is said to be a pocket union of the management. This averment made in para 20 of the workmen's statement of claim is admitted by the management in para 6 of their rejoinder. This Staff Co-ordination is said to be an association of clerical staff. It has to be considered whether the management having directed the first D. P. C. to select candidates according to their department-wise seniority is justified in going back on that under pressure from another trade union and lay down different norms for selection for promotions without giving notice to the affected employees. In my opinion the method adopted by the management cannot be sustained. They admit that under pressure of the Staff Association which is their pocket union they have cancelled the recommendations of the first D. P. C. though in paras 7 and 8 of their written statement they say that some irregularity was committed by the first D. P. C. in not following the staff promotion policy. No Office Order or note made to that effect has been filed. The norms issued to the first D. P. C. and the second D. P. C. for selecting candidates have not been filed to see whether the action of the management is above-board. The nature of the objection raised by the Staff Co-ordination is not placed before Court. Nor the decision taken by the Management. Further from the order of promotion issued to the workmen concerned it appears that they were promoted to the next higher scale w.e.f. 16-8-77 i.e. to say that from that date they have got a vested right to that post. The management was not justified in summarily ignoring this order of promotion Ext W-2 without even intimating the parties affected before ordering a fresh selection. The case reported in 1973 L. L. J. (1) page 242 (Kerala) is cited for the proposition that before the management could cancel the earlier order of promotion the affected parties should have been given notice. The facts of the reported case were that one junior Marine Surveyor was promoted as Sounding Foreman. Another employee aggrieved by that promotion questioned the same before the Chief Engineer under the grievance procedure. Without giving the person already promoted notice of this petition challenging his promotion the management set aside the same on the ground that he did not possess the necessary qualification. It was observed if their reversion was ordered in exercise of the management's inherent right of correcting a mistake that had occurred in directing a promotion in such a case there can be no question of notice or of affording opportunity for explanation. But since the objection to correct the mistake committed by the management was raised by the aggrieved party and not by the management, notice of the petition under grievance procedure should have been given to the person affected. In the instant case also it was not the management that moved in the matter suo motu. The action taken

by the management was at the instance of a rival union. Applying the principles laid down in the reported case it is argued with some force that the workmen should have been given an opportunity of being heard before cancelling their promotions.

8. For the aforesaid reasons Issue (1) found for the workmen.

9. Issue (2).—In view of the finding on Issue (1), it follows that the demand of the workmen that they should be promoted as Special Grade Clerks w.e.f. 16-8-77 and also to be paid the difference in wages till such time as their promotions are regularised in terms of this Award is justified. This Award should be implemented within 30 days from the date of publication of the same.

P. RAMAKRISHNA, Presiding Officer
[No. L-20012/86/79-D.III. A.]

New Delhi, the 13th October, 1980

S.O. 2912.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Tetulmari Colliery of Messrs Bharat Coking Coal Limited, Post Office Sijua, District Dhanbad and their workmen, which was received by the Central Government on the 7th October, 1980,

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD.

Reference No. 57 of 1979

In the matter of an industrial dispute under S. 10 (1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Tetulmari colliery of Messrs Bharat Coking Coal Ltd., Post office Sijua, District Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers—Shri G. Prasad, Advocate.

On behalf of the workmen—Shri P. K. Bose, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 30th September, 1980

AWARD

This is a reference under Section 10 of the I.D. Act, 1947. The Central Government by its notification No. L-20012/52/75/DIHA dated 23rd July, 1975 has referred this dispute to this Tribunal for adjudication on the following terms:—

SCHEDULE

"Whether the action of the management of Tetulmari Colliery of Messrs Bharat Coking Coal Limited, Post office Sijua, District Dhanbad, in dismissing Shri Awadhesh Kumar Singh, Munshi, with effect from the 15th January, 1975, is justified? If not, to what relief is the said workman entitled?"

2. This case has been re-transferred from the Central Government Industrial Tribunal (No. 3) Dhanbad on 7-7-79 and thereafter efforts were made to dispose of the case. On 30-9-80 parties filed a memorandum of settlement in terms of which the concerned workman has been allowed to resume his duties without any back wages. The terms of settlement beneficial as they are to the parties, are accepted. Accordingly, I pass the award in terms of the settlement which will form a part of the award.

J. P. SINGH, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II AT DHANBAD

Ref. No : 57 of 1979 NEW/26 of 1977 (OLD)

Employment in relation to the Management of Tetulmari colliery of Bharat Coking Coal Ltd.

AND

Their Workman.

Both the parties named above beg to submit that during the pendency of reference discussions were held with a view to resolve the dispute by a fair compromise and after a good deal of discussions, the parties have agreed to settle the dispute on the following terms and conditions—

- (1) That having regard to the fact that the concerned workman, Sri Awadhesh Kumar Singh is out of employment from 15-1-75 the management agrees to reinstate him in his original post of Munshi subject to his joining within 15 days from this date.
- (2) That the entire period of his being not in employment will be treated as leave without pay but shall count for continuity of service for the purpose of gratuity only.
- (3) That Shri Awadhesh Kumar Singh shall join his duty in Jogta Fire Project and shall report for duty to the Superintendent/Manager of Jogta Fire Project within the period mentioned in para-1.

That since the settlement is fair and reasonable the parties pray that the honourable Tribunal will be pleased to record the same and give its Award in terms thereof :—
For and on behalf of the management.

(K. C. NANDKEOLYAR), Personnel Manager
(P. M. PRASAD), Sr. Personnel Officer Sijua.

For and on behalf of the workman.

C. M. SHARMA, Organising Secy. R. C. M. S.

A. K. SINGH, The Workman Concerned

[No. J-20012/52/75-D.H.A.]

S. H. S. IYER, Desk Officer

नई दिल्ली, 8 अक्टूबर, 1980

का० आ० 2913.—केन्द्रीय सरकार को यह प्रसीत होता है कि मैसर्स डाइनेमिक मार्केटिंग एंड मैनुफैक्चरिंग (प्राइवेट) लिमिटेड, 3 वीं, कैमक स्ट्रीट, बलकम्मा-16, जिसके अन्तर्गत (1) 5, शंगरिला जी, श्री सी. ए-1/7 बेसन्त नगर, मद्रास-90, (2) 4/1, मिशन रोड श्रम, बंगलौर-27, (3) "पुराचा" एम० टी० रोड, (पूर्वी छोर), आसनमान-7/3303 और (4) 8-334/1, यूसुगुडा रोड, हैदराबाद-45, स्थित उसकी शाखाएँ, भी हैं, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या हम बात पर सहमत हो गई है कि कर्मचारियों भविष्य निधि और एकरीण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 मार्च, 1979 को प्रसूत हुई समझी जायगी।

[म० एम० 35017(3)/80-डी० एफ०-2]

ए० पूतन, उप राक्षक

New Delhi, the 8th October, 1980

S.O. 2913.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Dynamic Marketing and Manufacturing (Private) Limited, 3B, Camac Street, Calcutta-16 including its branches at (1) 5, Shangrila G. O. C. A-1/7, Besant Nagar, Madras-90, (2) 4/1, Mission Road Cross, Bangalore-27 (3) Puracha, S.T. Road, (East End), Asansol-713303 and (4) 8-334/1, Yousuguda Road, Hyderabad-45, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of March, 1979.

[No. S-35017(3)/80-PF-II]

A. POONEN, Dy. Secy.

नई दिल्ली, 13 अक्टूबर, 1980

का० आ० 2914.—केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33-अ की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के भूतपूर्व श्रम, नियोजन और पुनर्वास मंत्रालय (श्रम और नियोजन विभाग) की अधिसूचना सं० का० आ० 4650, तारीख 19 दिसम्बर, 1967 का निम्नलिखित और संशोधन करती है, अर्थात्—

उक्त अधिसूचना से उपाबद्ध सारणी में मम सं० 20 और उससे सम्बन्धित प्रविष्टियों के पश्चात्, निम्नलिखित मम सं० और प्रविष्टियाँ अंतर्स्थापित की जाएँगी, अर्थात्—

"21(क) उत्तर प्रदेश राज्य सरकार द्वारा संठित	मेरठ को छोड़कर
श्रम न्यायालय, कानपुर	उत्तर प्रदेश राज्य
21(ख) उत्तर प्रदेश राज्य सरकार द्वारा संठित	जिला मेरठ"
श्रम न्यायालय, मेरठ	

[मम० 11020/6/80-डी० आई० ए]

एन० के० नारायण, अवसर सचिव (आई० आर०)

New Delhi, the 13th October, 1980

S.O. 2914.—In exercise of the powers conferred by sub-section (2) of Section 33-C of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following further amendments in the Notification of the Government of India in the erstwhile Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4650, dated the 19th December, 1967, namely :—

In the Table annexed to the said Notification, after Sl. No. 20 and the entries relating thereto the following Sl. No. and entries shall be inserted, namely :—

"21 (a) Labour Court, Kanpur, consisting of U. P. State Government excluding Meerut, and U. P.

21 (b) Labour Court, Meerut, constituted by the state Government of U. P. District of Meerut.

[No. S-11020/6/80-D.I. A.]

L. K. NARAYANAN, Under Secy.

नई दिल्ली, 13 अक्टूबर, 1980

का० आ० 2915.—केन्द्रीय सरकार, खान अधिनियम, 1952 (1952 का 35) की धारा 83 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कुदमुख लौह अयस्क खान के सार्विक संयंत्र, पाइप लाइन, पतले गारे की पाइप लाइन छलाई और सवान संयंत्र को, उक्त अधिनियम की धारा 30 की उपधारा (2) के उपबंधों के प्रयत्न से, हम गर्त के अधीन रहते हुए छूट वेला है कि शिफ्ट के आरम्भ से दो से छह घण्टों के बीच विश्राम अन्तरालों को शिफ्ट कालिक कर दिया जाए।

[म० एम० 29014/8/80-एम० आई०]

New Delhi, the 13th October, 1980

S.O. 2915.—In exercise of the powers conferred by sub-section (1) of Section 83 of the Mines Act, 1952, (35 of 1952), the Central Government hereby exempts the concentrator plants, pipe lines, slurry pipe lines, filtration and loading plants of the Kudremukh Iron Ore Mine from the operation of the provisions of sub-section (2) of section 30 of the said Act subject to the condition that the rest intervals are staggered between two to six hours from the start of the shift.

[No. S-29014/8/80-MI]

का० प्रा० 2917.—केन्द्रिय सरकार खान अधिनियम, 1952 (1952 का 35) की धारा 83 की उपधारा (1) द्वारा प्रबत शक्तिवों का प्रयोग करते हुए, ग्राम मदनपुर, चाकवर पुलिस थाना, और रेलवे स्टेशन मेहर, जिला सतना (मध्य प्रदेश) में स्थित मेहर सीमेंट लाइमस्टोन माइन के दलन सयंत्र और स्थल पट्टा संवाहक का उक्त अधिनियम के उपबन्धों से निम्नलिखित शर्तों के अधीन रहते हुए छूट देना है।

- (1) यह कि सम्पादन खान परिसरों में पथवि संरचनाओं की बाढ़ द्वारा यथोचित रूप से प्रभाव रहे जायेंगे; और
- (2) यह कि खान परिसरों के विस्फोटन संक्रियाओं के कारण संस्थापनों में नियोजित व्यक्तियों को खान से बचाने के लिए धातुमय खान बिलयन, 1961 और उसके अधीन किए गए आदेशों के सुमगन उपबन्धों में बनाई गई पर्याप्त सावधानियां बरनीं जायेंगी।

[सं० एस-29014/7/80-एम-1]

आर० कुंजीथापदम, उप राक्षक

S.O. 2916.—In exercise of the powers conferred by sub-section (1) of Section 83 of the Mines Act, 1952 (35 of 1952), the Central Government hereby exempts the crushing plant and overland belt conveyor of Maihar Cement Limestone Mine situated in village Bhadanpur, Post Office, Police Station and Railway Station Maihar, District Satna (Madhya Pradesh) from the provisions of the said Act subject to the conditions that—

- (i) installations shall be adequately isolated from the mine premises by fencing of adequate construction, and
- (ii) adequate precautions as stipulated under the relevant provisions of the Metalliferous Mines Regulations, 1961 and the orders made thereunder shall be taken to prevent danger to persons employed in the installations due to blasting operations in the mine premises.

[No. S-29014/7/80-MI]

R. KUNJITHAPADAM, Dy. Secy.

S.O. 2917.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of the Indian Airlines and their workmen, which was received by the Central Government on the 7th October, 1980.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA.

Reference No. 7 of 1980

PARTIES :

Employers in relation to the management of the Indian Airlines

AND

Their Workmen.

APPEARANCES :

On behalf of Employers—Mr. P. N. Chunder, Advocate.

On behalf of Workmen—Mr. R. R. Rao, Assistant Secretary of the Union

STATE : West Bengal

INDUSTRY : Air Lines

AWARD

This reference under Section 10 of the Industrial Disputes Act, 1947 was sent to this Tribunal by the Government of

India, Ministry of Labour by their Order No. L-11011(13)/78-D.II (B) dated 21st January, 1980, for adjudication of the following dispute :

- “(1) Whether the action of the management of the Indian Airlines, Calcutta Region, in stopping Captain M. L. Raina from flying-in-command on F-27 aircraft from 6-1-1977 is justified? If not, to what relief is the concerned workman entitled?
- (2) Whether the action of the management of the Indian Airlines, Calcutta Region in prematurely retiring Captain K. J. Somayajulu with effect from the afternoon of the 10th May, 1976, is justified? If not, to what relief is the concerned workman entitled?”

2. In this case a joint petition of compromise is filed by the management of the Indian Airlines and Indian Commercial Pilots' Association. I have heard Mr. Chunder, learned Advocate appearing on behalf of the Indian Airlines and Mr. R. R. Rao, Assistant Secretary of the Union. I have gone through the joint petition of compromise signed by Mr. R. K. Sen, Regional Director of the Indian Airlines and Mr. S. L. Bagchi, General Secretary of the Indian Commercial Pilots' Association and also the Memorandum of Settlement signed by Capt. N. M. Pereira, Director of Operations on behalf of the Indian Airlines and Capt. S. L. Bagchi, General Secretary of the Union. I am satisfied that the terms of settlement are legal and reasonable.

3. As prayed for the parties, I pass an award in terms of the joint petition of Compromise read with the Memorandum of Settlement, marked Annexure “A”, both of which shall form part of this Award.

R. BHATTACHARYA, Presiding Officer

Calcutta, the 26th September, 1980.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CALCUTTA.

Reference No : 7 of 1980

PARTIES :

Employers in relation to the Management of Indian Airlines :

AND

Their workmen represented by the Indian Commercial Pilots' Association.

MAY IT PLEASE YOUR LORDSHIP

The parties, Indian Airlines and the workmen as represented by Indian Commercial Pilots' Association, respectfully submit as follows :—

1. We, Indian Airlines and Indian Commercial Pilots' Association, parties in the above-mentioned reference, have agreed to resolve the said matters by mutual discussions and have reached a Settlement. A copy of the Settlement is enclosed. We both pray that the Hon'ble Tribunal may be pleased to give the consent Award in the terms of the above Settlement.

Dated at Calcutta, the 15th day of September, 1980

Witnesses

For and on behalf of Indian Airlines

1. Sd. (Illegible)

R. K. SEN, Regional Director

Witnesses :

For and on behalf of Indian Commercial Pilots Association.

1. Sd. Illegible.

S. L. BAGCHI, Genl. Secy.

2.

ANNEXURE 'A'

FORM H

(Rule 58 of Industrial Disputes (Central Rules), 1957)
Memorandum of Settlement

Names of the parties :

Indian Airlines—113, Gurdwara Rakabganj Road, New Delhi-110001

Indian Commercial Pilots' Association—Central Office,
53-F, Chowringhee Road, Calcutta-700016.
Representing Employer—Capt. N. M. Pereira, Director
of Operations

Representing Workmen—Capt. S. I. Bagchi, General
Secretary, ICPA

Short Recital of the Case :

Whereas the Dispute between the workmen represented by the Indian Commercial Pilots' Association and the management of Indian Airlines, being Reference No. 7 of 1980 is pending before Central Government Industrial Tribunal, Calcutta in respect of the matters specified as hereunder :

1. Whether the action of the management of the Indian Airlines, Calcutta Region, in stopping Captain M. L. Raina from flying-in-command on F-27 aircraft from 6-1-77 is justified? If not, to what relief is the concerned workman entitled?
2. Whether the action of the management of the Indian Airlines, Calcutta Region in prematurely retiring Captain K. J. Somayajulu with effect from the afternoon of the 10th May, 1976 is justified? If not, to what relief is the concerned workman entitled?

And whereas as a result of the mutual discussions held between the management and the I. C. P. A., the parties now have agreed to resolve the said matters in terms of the following settlement.

Terms of the Settlement :

(1) Capt. M. L. Raina will be given a chance for being sent on conversion training as P-2 on B-737 aircraft and pursuant to this understanding, Capt. Raina has already been sent to C. T. E. for conversion training on B-737 aircraft. In case he obtains type endorsement on B-737, he will be entitled to payment of Command Pay, applicable to F-27 P-1 endorsement, from the date of such endorsement on his licence.

(2) An amount of Rs. 15,000 will be paid to Capt. K. J. Somalajulu as *ex-gratia*.

(3) The terms of the Understanding as contained in 1 and 2 above is in full and final settlement of all the rights and claims of the Association in respect of the above two matters.

(4) These cases will not be quoted as precedent.

(5) Both the parties will make a joint application before the Central Government Industrial Tribunal, Calcutta in respect of the said reference being Reference No. 7 of 1980 and pray that consent Award may be given by the Hon'ble Presiding Officer, in terms of the Settlement.

Signed this 11th day of September, 1980.

Signatures of the Parties :

Witnesses :

On behalf of the Management
CAPT. N.M. PEREIRA,
Director of Operations

Sd/-

1. (Capt. A. S. Brar.),
Dy. Dir. of Ops. Hqrs.

Sd/-

2. Shekhar Ghose,
AIRM, Hqrs.

On behalf of the workmen :

CAPT. S. L. BAGCHI,
General Secretary I. C. P. A.

[No. L-11011(13)/78-D. II(B)]

S. S. BHALLA, Desk Officer

